

Are Your ATMs Actually ADA Compliant?

Sam M. Ditzion, CEO, Tremont Capital Group

The new 2010 Americans with Disabilities Act (ADA) standards, which are based on Access Board guidelines created in 2004, were published by the Department of Justice last month. While the theoretical “effective date” is March 15, 2011, ATMs do not actually need to be in compliance with the new standards until March 15, 2012.

While the new ADA compliance standards have been on the ATM industry’s radar for many years, the reality of fully understanding the intricacies of the new rules and actually complying with them within the next 17 months will be an overwhelming task for many ATM deployers.

So what do these new standards mean for financial institutions and independent ATM deployers? They will likely require significant changes, but the specifics entirely depend on the precise characteristics of each deployer’s current ATMs and related locations. The new compliance requirements are extremely complex and technical; but, in summary, changes include among other things requirements relating to voice guidance, pin pad and function keys, height and reach, Braille, and several other important characteristics applicable to ATMs.

The most common question clients frequently ask me is whether already-deployed ATMs will be “grandfathered in” or whether existing ATMs will need to be upgraded or replaced. While the Department of Justice uses the term “safe harbor” in this context, the short answer is that it entirely depends on a number of precise variables, but ultimately safe harbor will *not* be provided in many cases, particularly with respect to voice guidance and other communication-related elements.

Like most compliance and regulatory matters in the ATM industry, every deployer is different and has unique equipment, screens, functionality, and locations, so it’s impossible to make broad generalizations regarding ADA-related compliance. But it’s critical to thoroughly understand – and retain professional experts if you need help – exactly how the new standards will affect your ATMs and what changes you might need to make both before and after the 2010 standards take effect.

The Department of Justice and disability rights groups are taking these new rules very seriously, and so should everyone across the full spectrum of the ATM industry value chain in order to mitigate potentially significant risk of litigation. More importantly, making ATMs fully accessible to all customers – including those with disabilities – is the right thing to do, both ethically and strategically as a way to increase and/or satisfy your customer base.

Federal regulations are not written for the faint of heart. The hundreds of pages of highly technical text that address ADA compliance topics related to the ATM industry do not make it easy for deployers to ensure full accessibility.

If you are among the many industry deployers who are not fully comfortable with the intricacies of the new standards, it may make sense to retain outside expertise to help ensure your company meets its legal obligations. The stakes are too high to delay.

Sam M. Ditzion is the CEO of Tremont Capital Group, a leading consulting firm that specializes in providing expert strategy consulting, accessibility compliance, litigation support, merger and acquisition advisory, valuation, and other services to the ATM and self-service kiosk industries. To learn more about the services provided by Tremont Capital Group, please visit www.tremontcapitalgroup.com or call +1 617 482 8866.