



Understanding the 2010 Americans with Disabilities Act (ADA) and the effect on the PAI Independent ATM Deployer (IAD)

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Preface

Payment Alliance International (www.GoPAI.com) is the largest non-bank ATM operator with more than 52,000 ATMs across the country, and was recently named the 2011 ISO of the Year by the Electronic Transactions Association (ETA).

We are also a leading provider of credit/debit card and check processing solutions, ATM network management, cash management, and business information services —*all designed to maximize customer success and make business easy.*

This whitepaper, *Understanding the 2010 Americans with Disabilities Act (ADA) and the Effect on the IAD ATM Industry*, was developed by Payment Alliance International (PAI) and is intended to help you understand the 2010 ADA guidelines as they relate to ATMs. Within this document, you will find a breakdown of the old and new ADA standards on a variety of subjects, along with information about how each standard affects ATMs already in the field. For additional information, the full version of the 2010 ADA Standards can be found at www.ada.gov.

A word of warning about non-compliance: As an industry we've seen certain legal groups take advantage of opportunities regarding noncompliance (specifically, surcharge and network decals). Noncompliance with the new ADA regulations leaves companies exposed to possible legal recourse. Claims under the ADA are considered FEDERAL violations and could carry harsher penalties than a standard industry rule violation.

The following pages should help you gain a better understanding of these new ADA Standards, critical dates to be aware of, and compliance details. At Payment Alliance International, we continually strive to keep our clients, business partners, vendors, and employees abreast of critical industry rules and regulations, deadlines and compliance details, and pertinent news that impact day-to-day business operations. Please take the time to read through this latest in a series of whitepapers offered by Payment Alliance International.



Critical Dates

The following dates are important to remember regarding the 2010 ADA Regulations.

- **September 15, 2010** – ADA Regulations Published in Federal Register
- **March 15, 2011** – ‘Rule’ becomes law
- **March 15, 2012** – 1991 Regulation no longer in effect and all ATMs will be judged by the 2010 standard with the exception of any “safe harbor”

Approach, Height & Reach (308)

Approach, height and reach cover the ability of individuals to access the ATM and reach all controls.

Old ADA rule (1991):

A front approach maximum control height of 48 inches was allowed as well as a side approach maximum control height of 54 inches. If an ATM user in a wheelchair could approach the ATM from the side, the maximum height for any control surface was 54 inches. A clear, unobstructed approach was required.

New ADA rule (2010):

The higher, side approach has been eliminated. The max height for any control surface is 48 inches regardless of approach. A “control surface” is any point that needs to be reached to conduct a transaction and could be, depending on the type of ATM, a function key, card reader, receipt slot, key pad, etc. A clear, unobstructed approach is still required.

Are my existing ATMs in the field exempt from the new rules?

There’s no grandfather clause but there is a term called “safe harbor.” ATMs installed after the 1991 rules went into effect and before the 2010 rules went into effect can be judged under the 1991 rules as they relate to height and reach. Safe harbor is for those machines installed prior to the new 2010 standards but there is no safe harbor if the ATM is removed from the original location and/or significantly altered. Based on our sources of information, you cannot take an ATM with a control surface higher than 48 inches and relocate it to a new location without violating the 2010 standard. A relocated and/or significantly altered ATM could be considered a new installation and would therefore be subject to the new 2010 standards. Please be aware that “significant alteration” has not been defined as it relates to ATMs and therefore, unfortunately, will most likely be defined in the courts.



Privacy (707.4)

Privacy may cover the ability of the machine to render a blank screen.

Old ADA Rule (1991):

Privacy was not a requirement.

New ADA Rule (2010):

Automatic teller machines shall provide the opportunity for the same degree of privacy of input and output available to all individuals.

Advisory 707.4 Privacy. In addition to people who are blind or visually impaired, people with limited reach who use wheelchairs or have short stature, who cannot effectively block the ATM screen with their bodies, may prefer to use speech output. Speech output users can benefit from an option to render the visible screen blank, thereby affording them greater personal security and privacy.

Are my existing ATMs in the field exempt from the Privacy requirement?

Some manufacturers have privacy incorporated into their software already and some are currently working on it. Consult the ADA ATM Guide at the end of the document for details. There are various positions being taken on the advisory sentence above and we do not have enough information to determine how this item may be ruled on in the future.

Voice Guidance (707.5)

Voice Guidance is text-to-speech. It allows visually impaired individuals an alternate way to interact with an ATM.

Old ADA Rule (1991):

Voice guidance, or text-to-speech, was not a requirement. Voice guidance was brought up in the proposed standards but not adopted until the 2010 standards.

New ADA Rule (2010):

There is no safe harbor for voice guidance. The Federal Register rule dated September 15, 2010 states, "The Department consistently has taken the position that the communication-related elements of ATMs are auxiliary aids and services, rather than structural elements. See 28 CFR part 36, app. B at 728 (2009). Thus, the safe harbor provision does not apply to these elements."

Are my existing ATMs in the field exempt from the Voice Guidance rules?

No. Voice guidance is required for all ATMs by 2012.



Tactile Symbols (707.6.3.2)

Tactile symbols assist the visually-impaired cardholder to conduct a voice-guided transaction (which is a requirement for all ATMs).

Old ADA Rule (1991):

Tactile Symbols on function keys was not a requirement.

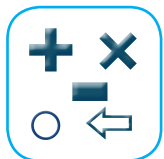
New ADA Rule (2010):

Function key surfaces shall have tactile symbols as follows:

- Enter or Proceed key: raised circle (○);
- Clear or Correct key: raised left arrow (←);
- Cancel key: raised letter X (✕);
- Add Value key: raised plus sign (+);
- Decrease Value key: raised minus sign (-).

Are my existing ATMs in the field exempt from the Tactile Symbols rules?

The tactile symbols were part of the proposed standards for 1991 and adopted in the 2010 standards. As a result of the proposal, most manufacturers adopted the tactile symbols into their Triple DES EPPs. There is no safe harbor for tactile symbols and they must be installed on all ATMs.



Braille Instructions (707.8)

Braille Instructions assist the visually impaired cardholder in initiating the speech mode which is a requirement for all ATMs.

Old ADA Rule (1991):

Braille Instructions were not a requirement.

New ADA Rule (2010):

The 2010 ADA Standard 707.8 states, “Braille Instructions for initiating speech mode shall be provided. Braille shall comply with 703.3.” There is no safe harbor for the Braille Instructions and they must be installed on all ATMs.

Are my existing ATMs in the field exempt from the Braille Instructions rules?

The Braille Instructions assist the visually impaired cardholder in initiating the speech mode, which is a requirement for all ATMs; therefore, there is no safe harbor for the Braille Instructions and they must be installed on all ATMs. Most manufacturers have created or are in the process of creating Braille Instruction decals. If you choose to create your own Braille Instructions decal, be sure to thoroughly consult the 2010 ADA Standards. There are very specific standards for Braille Instructions decals and an improper decal is as non-compliant as no decal at all.

Undue Burden

Another term in the new standard that has created a lot of questions is “undue burden”. Common questions regarding undue burden are, “how much is that?” or “what’s the dollar amount?” The short answer is that this vague term will not be defined in the ADA standards. It will be defined in a court of law when someone is sued for inaccessibility. Undue burden is also NOT a case-by-case situation with a different answer for each ATM owned. Undue burden is instead based on the financial ability of the company who owns the ATM or ATMs to be in compliance. For example, an ATM operator who owns 100 ATMs and has one noncompliant ATM would most likely NOT qualify for undue burden whereas an operator who owns 100 ATMs with 99 noncompliant has a better story to tell as it relates to undue burden; however, undue burden was not designed to protect large ATM operators with a large noncompliant base of equipment. It was designed to protect small mom & pop merchants who, by way of complying with the new standards, would experience extreme financial hardship.



ADA ATM Guide

The following chart lists the most common models of ATMs and indicates the level of compliance for each based on both the old (1991) and the new (2010) standard. Please see the footnotes for more information.

MAKE	MODEL	Voice Guidance		Height & Reach		Tactile Controls		Privacy	
		1991	2010	1991	2010	1991	2010	1991	2010
Diebold	CSP 100	N/A	No	✓	✓	✓	✓	N/A	No
	CSP 200	N/A	Opt	✓	✓	✓	✓	N/A	No
	Opteva 520	N/A	Yes ¹	✓	✓	✓	✓	N/A	No ²
Greenlink	T1000	N/A	No ³	Height set by installer		✓	✓	N/A	No ³
	TTW	N/A	No ³	✓	✓	✓	✓	N/A	No ³
Hyosung	1400	N/A	✓	✓	✓	✓	✓	N/A	No ⁴
	1500	N/A	✓	✓	✓	✓	✓	N/A	No ⁴
	1520	N/A	✓	✓	✓	✓	✓	N/A	No ⁴
	1800	N/A	✓	✓	✓	✓	✓	N/A	No ⁴
	1820	N/A	✓	✓	✓	✓	✓	N/A	No ⁴
	5050	N/A	✓	✓	✓	✓	✓	N/A	No ⁴
	2100T	N/A	✓	Height set by installer		✓	✓	N/A	No ⁴
2780CE	N/A	✓	✓	✓	✓	✓	N/A		

¹Voice Guidance Kit available, depending on machine configuration. Processor & memory may need upgraded.

²Software is in development.

³Wellington Technologies is making a kit and plan to have it available November 2011.

⁴At this time Hyosung equipment does not offer the ability to blank the screen when voice guidance is initiated.

ADA ATM Guide (continued)

MAKE	MODEL	Voice Guidance		Height & Reach		Tactile Controls		Privacy	
		1991	2010	1991	2010	1991	2010	1991	2010
Tidel	IS-800	N/A	No ⁵	✓	Too High	✓	✓	N/A	No ⁵
	IS-1000	N/A	No ⁵	✓	Too High	✓	✓	N/A	No ⁵
	IS-2000	N/A	No ⁵	✓	Too High	✓	✓	N/A	No ⁵
	IS-6000	N/A	No ⁵	✓	Too High	✓	✓	N/A	No ⁵
	3100	N/A	Opt ⁶	✓	✓	✓	✓	N/A	Yes ⁷
	3400	N/A	✓	✓	✓	✓	N/A	Yes ⁷	
Tranax	1700	N/A	Yes ⁸	✓	✓	✓	✓	N/A	Yes ⁸
	1705	N/A	Yes ⁸	✓	✓	✓	✓	N/A	Yes ⁸
	1900	N/A	Yes ⁹	✓	✓	✓	✓	N/A	Yes ⁹
	1700W	N/A	Yes ¹⁰	✓	✓	✓	✓	N/A	Yes ¹⁰
	1705W	N/A	Yes ¹⁰	✓	✓	✓	✓	N/A	Yes ¹⁰
	2100T	N/A	✓	Height set by installer		✓	✓	N/A	
	C-4000	N/A	Yes ¹⁰	✓	✓	✓	✓	N/A	Yes ¹⁰
	MB1000	N/A	No	✓	✓	✓	✓	N/A	
	MB1500	N/A	✓	✓	✓	✓	✓	N/A	
	MB2000	N/A	No	✓	✓	✓	✓	N/A	
MB2100	N/A		✓	✓	✓	✓	N/A		
	Nano	N/A	No	Height set by installer		✓	✓	N/A	

⁵Compliance may have been accomplished with a non-OEM conversion kit.

⁶Tidel's VIP (Value Improvement Package) option kit was available at time of purchase which included hardware for private audio transactions.

⁷NCR no longer supports the older Tidel operating system. If the ATM is running NCR software, they are working on a software update.

⁸Embedded will require a software upgrade scheduled for release June 30, 2011.

⁹Requires update to version v02.00.02, which started shipping in new units May 12, 2011.

¹⁰Will require a software upgrade scheduled for release May 27, 2011.

ADA ATM Guide (continued)

MAKE	MODEL	Voice Guidance		Height & Reach		Tactile Controls		Privacy	
		1991	2010	1991	2010	1991	2010	1991	2010
Triton	1600	N/A	✓	✓	✓	✓	✓	N/A	✓
	8100	N/A	Yes ¹¹	✓	✓	✓	Yes ¹²	N/A	Yes ¹¹
	9100	N/A	Yes ¹²	✓	✓	✓	Yes ¹³	N/A	Yes ¹²
	9500	N/A	No ⁵	✓	✓	✓	No ⁵	N/A	No ⁵
	9600	N/A	Yes ¹⁴	✓	Too High	✓	Yes ¹¹	N/A	Yes ¹¹
	9700	N/A	✓	✓	✓	✓	N/A	✓	
	9705	N/A	✓	✓	✓	✓	N/A	✓	
	9710	N/A	✓	✓	✓	✓	N/A	✓	
	FT5000	N/A	✓	Height set by installer		✓	✓	N/A	✓
	Mako	N/A	No	✓	Too High	✓	✓	N/A	No
WRG	RL2000	N/A	✓	✓	✓	✓	✓	N/A	✓
	RL5000	N/A	✓	✓	✓	✓	✓	N/A	✓
	RT2000	N/A	✓	Height set by installer		✓	✓	N/A	✓
	Apollo	N/A	Yes ¹⁵	Height set by installer		✓	✓	N/A	✓
	Apollo LT	N/A	Yes ¹⁵	Height set by installer		✓	✓	N/A	✓
	Genesis	N/A	Yes ¹⁵	✓	✓	✓	✓	N/A	✓
	Genesis LT	N/A	Yes ¹⁵	✓	✓	✓	✓	N/A	✓

¹¹ATMs shipped prior to 2004 did not have voice guidance. OEM kit Part# 06200-00204.

¹²Mono LCD version shipped prior to December 2005 will need a PCI compliant keypad upgrade kit.

¹³Mono & Color versions shipped prior to August 2005 will need a PCI compliant keypad upgrade kit.

¹⁴OEM kit available. Part# 06200-08205 & 06200-08204.

¹⁵CPU Hardware version 4.8 & Above. Light gray CPU S/N starting on 4/1/09 with S/N 209-715-xxx. Dark gray CPU serial numbers starting on 6/8/09 with S/N 2009-415-xxx.

Legend	
✓	Compliant
No	Not Compliant
Yes(*)	OEM Kit available for compliance
No(*)	No OEM Kit available, but non-OEM kit is/was available
N/A	Not Applicable
Too High	Highest control surface exceeds 48"
Opt	Optional at time of purchase.
**	No information available at the time of this writing.