

(ii) The presence of landscaping, vegetation, or other obstructions in the area of the automated teller machine, the access area, and the defined parking area.

(3) (i) The operator of an automated teller machine installed prior to January 1, 1995 shall adopt procedures for evaluating the safety of the location of the existing automated teller machine.

(ii) The procedures adopted under subparagraph (i) of this paragraph shall include a consideration of the facts identified in paragraph (2) of this subsection to the extent appropriate to existing locations.

(iii) This subsection does not impose a duty to relocate an automated teller machine or modify the landscaping, vegetation, or other obstructions in the area of an automated teller machine, access area, or defined parking area for an automated teller machine installed prior to January 1, 1995.

(d) (1) An operator of an automated teller machine shall provide during the hours of darkness lighting of at least 10 candlefoot power at the face of the automated teller machine and extending in an unobstructed direction outward 5 feet.

(2) An operator or, if different, the person who controls the access area or the defined parking area, shall provide during the hours of darkness lighting of:

(i) At least 2 candlefoot power within 50 feet from all unobstructed directions from the face of the automated teller machine;

(ii) At least 2 candlefoot power in that portion of the defined parking area within 60 feet of the automated teller machine; and

(iii) In the event the automated teller machine is located within 10 feet of a corner of the building and the automated teller machine is generally accessible from the adjacent side, at least 2 candlefoot power along the first 40 unobstructed feet of the adjacent side of the building.

(3) The requirements of this subsection apply only to automated teller machines that are open for use by customers during the hours of darkness.

(4) For automated teller machines installed before January 1, 1995, compliance with the provisions of this subsection shall be optional until July 1, 1995.

(e) (1) At or before the time a customer is furnished with an access device, the issuer of the access device shall furnish to the customer a notice concerning basic safety precautions that customers should employ while using an automated teller machine during hours of darkness.

(2) The notice shall be furnished:

(i) To each customer whose address for the account to which the access device relates is in this State; and

(ii) By personally delivering or mailing the notice to customers at their mailing addresses in this State.