

## MEMO

**TO:** The Board of Directors

**FROM:** Mark Pearce  
Director, Division of Depositor and Consumer Protection

**DATE:** October 27, 2025

**RE:** Delay of Compliance Date for Digital Sign Requirements under Part 328, Subpart A

## RECOMMENDATION

Staff recommends that the FDIC Board of Directors (the Board) authorize publication of the attached document in the *Federal Register*, which would delay the compliance date for 12 CFR 328.4, which contains signage requirements for insured depository institutions' (IDIs') ATMs and like devices, as well as the compliance date for 12 CFR 328.5, which contains requirements to display the FDIC's official digital sign on IDI digital channels. These requirements were adopted by the FDIC on December 20, 2023 pursuant to a final rule, titled *FDIC Official Signs and Advertising Requirements, False Advertising, Misrepresentation of Insured Status, and Misuse of the FDIC's Name or Logo* (final rule), with an initial mandatory compliance date of January 1, 2025. Under the attached *Federal Register* document, the compliance date for these requirements would be delayed until January 1, 2027, unless the requirements are amended by a future final rule.

## DISCUSSION

Through this *Federal Register* document, the FDIC would delay the compliance date under the final rule for the signage requirements on IDIs' digital channels<sup>1</sup> and ATMs and like devices.<sup>2</sup> These provisions became effective pursuant to the final rule with an initial effective date of April 1, 2024, and an initial mandatory compliance date of January 1, 2025. In October 2024, the FDIC delayed the compliance date for the amendments to subpart A to May 1, 2025. In March 2025, the FDIC further delayed the compliance date for 12 CFR 328.4 and 328.5 to March 1, 2026. This delay was intended to allow the FDIC to propose changes to these provisions for public comment, which the FDIC did on August 21, 2025.<sup>3</sup> The August 21, 2025 notice of proposed rulemaking (NPR) seeks comment on a proposal that would amend the requirements of 12 CFR 328.4 and 328.5 to minimize identified implementation issues, reduce

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<sup>1</sup> See 12 CFR 328.5.

<sup>2</sup> See 12 CFR 328.4.

<sup>3</sup> 90 FR 40767 (Aug. 21, 2025).

Concur:

burden, and address potential consumer confusion and establish a compliance date of January 1, 2027 for such requirements.

Staff recommends delaying the compliance date for 12 CFR 328.4 and 328.5 from March 1, 2026 to January 1, 2027, consistent with the compliance date in the proposal. The FDIC recognizes that institutions may need to make investments in advance of the compliance date. Given the FDIC's intent to modify the existing requirements, the FDIC is delaying the compliance date to avoid institutions making investments to comply with the existing requirements in advance of the March 1, 2026 compliance date. This delayed compliance date would be subject to any changes made by any future rulemaking.

## CONCLUSION

Accordingly, staff recommends that the Board delay the compliance date for sections 328.4 and 328.5 of the FDIC's regulations to January 1, 2027.<sup>4</sup> FDIC staff recommends that the Board approve the publication of the attached *Federal Register* document.

### Staff contacts:

#### *DCP:*

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#### *Legal:*

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<sup>4</sup> The policies and procedures required by 12 CFR 328.8 for which the compliance date was May 1, 2025, will not need to address the requirements in 12 CFR 328.4 or 12 CFR 328.5 until January 1, 2027, the full compliance date for these provisions.