

MEMO

TO: The Board of Directors

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

DATE: January 16, 2026

RE: Final Rule on FDIC Official Sign and Advertising Requirements

OVERVIEW

Staff presents to the FDIC's Board of Directors (Board) the attached final rule (Final Rule) and requests authorization to publish it in the *Federal Register*. The Final Rule would amend the FDIC's signage requirements for insured depository institutions' (IDIs) digital deposit-taking channels and automated teller machines (ATMs) and like devices.

BACKGROUND

Section 18(a) of the Federal Deposit Insurance Act (FDI Act)¹ governs IDI sign and advertising statement requirements and grants the FDIC authority to prescribe regulations with respect to these requirements. The regulations implementing signage and advertisement requirements are contained in subpart A of 12 CFR part 328 (subpart A).

On December 20, 2023, the FDIC adopted a regulation that, among other things, established an FDIC official digital sign and requires IDIs to display the FDIC official digital sign and non-deposit signage on certain screens and pages of digital deposit-taking channels and ATMs and like devices. The amendments made in the regulation took effect on April 1, 2024; however, full compliance with the amendments was not required until January 1, 2025.

Following the adoption of the 2023 Final Rule, some IDIs requested additional time to meet the new requirements. As a result, the FDIC delayed the compliance deadline for the subpart A amendments. Thereafter, the FDIC observed that the provisions governing signage requirements for digital deposit-taking channels and ATMs and like devices, 12 CFR 328.4 and 328.5, continued to generate questions regarding implementation and had the potential to cause consumer confusion. Accordingly, the FDIC further delayed compliance for those provisions. This extension was intended to allow the FDIC to propose changes to these requirements. On November 25, 2025, the FDIC further extended the compliance date for 12 CFR 328.4 and 328.5

¹ 12 U.S.C. 1828(a).
Concur:

from March 1, 2026 to January 1, 2027, noting the uncertainty IDIs faced while the FDIC considered changes to those provisions.

PROPOSED RULE AND COMMENTS

On August 19, 2025, the Board approved a Notice of Proposed Rulemaking (Proposed Rule)² that would amend certain signage requirements for IDIs' digital deposit-taking channels and ATMs and like devices.

The FDIC received nine substantive comments from industry groups, a payments provider, a non-profit organization, and an individual. Several commenters were supportive of many aspects of the Proposed Rule, especially regarding limiting the kinds of pages and screens on which the official digital sign and non-deposit signage would be required. Commenters also requested additional clarity with respect to the proposed changes, including requesting that the FDIC provide specific examples of how IDIs may meet the signage display requirements and that IDIs be expressly permitted to provide additional disclosures beyond the required signage. Commenters also expressed views regarding the proposed January 1, 2027 compliance date, with many commenters requesting a later compliance date.

FINAL RULE

The Final Rule generally would adopt the amendments in the Proposed Rule with additional changes in response to comments received. The Final Rule would be effective 30 days following publication of the Final Rule in the *Federal Register*. Compliance with the Final Rule would be required as of April 1, 2027.

(1) FDIC Official Digital Sign Design Requirements

Under the Final Rule, IDIs would have additional flexibility with respect to requirements regarding color and font when displaying the FDIC official digital sign and IDIs would be expressly permitted to “wrap” the text of the sign to address space constraints.

(2) Signage Requirements for IDIs' Digital Deposit-Taking Channels

The Final Rule would simplify compliance for IDIs by focusing the display requirements on the screens and pages where signage would be most relevant to consumers.

(A) FDIC Official Digital Sign

Currently, section 328.5(d) of the regulation requires IDIs' digital deposit-taking channels to display the FDIC official digital sign on (1) the initial or home page; (2) landing or login pages; and (3) pages where the customer may transact with deposits. The NPR proposed removing both the “landing page” requirement and the requirement to display the FDIC official digital sign on pages where the customer may transact with deposits and instead would have required the digital sign on the page where a consumer initiates a deposit account opening. The

² See 90 FR 40767 (Aug. 21, 2025).

Final Rule adopts the proposed language, with the addition of language clarifying that signage on the account opening page is only required on the first page of that process. Thus, the Final Rule requires an IDI to display the FDIC official digital sign on the following pages or screens: (1) the initial or homepage; (2) login; and (3) on which a consumer first initiates the opening of a deposit account.

(B) Static Non-deposit Signage

The current regulation requires that non-deposit signage appear if an IDI's digital-deposit taking channel offers access to both deposits and non-deposits. However, an IDI's digital deposit-taking channels also may advertise or provide information about non-deposit products. The Final Rule provides that non-deposit signage is required on a digital deposit-taking channel that offers the ability to make deposits electronically and provides access to deposits, and advertises or provides information about, or access to, non-deposit products.

In addition, the Final Rule would narrow the types of digital deposit-taking channel pages on which IDIs would be required to display non-deposit signage. Section 328.5(g)(1) requires IDIs to clearly, continuously, and conspicuously display non-deposit signage "on each page *relating to* non-deposit products" that indicates that non-deposit products: are not insured by the FDIC; are not deposits; and may lose value. The proposal would have required such signage on pages *primarily dedicated* to non-deposit products. To provide additional clarity, the Final Rule would require the display of such signage only on pages *primarily dedicated to advertising or providing information about, or access to*, one or more non-deposit products. Examples include a page providing detailed information on non-deposit products or pages where a consumer could purchase a non-deposit product. Non-deposit signage would not be required on pages with incidental references to non-deposit products.

(C) Examples of Clear, Continuous, and Conspicuous Display

Under the current regulation, IDIs must clearly, continuously, and conspicuously display the FDIC official digital sign and non-deposit signage on specified pages. The Final Rule would provide a non-exhaustive list of examples of various placements of the FDIC official digital sign and non-deposit signage that would meet the clear, continuous, and conspicuous standard.

(D) One-time Notification for Bank Customers Related to Third-party Non-deposit Products

The current rule requires that an IDI display a one-time notification when a bank customer who is logged into an IDI's digital deposit-taking channel attempts to access non-deposit products through a hyperlink (or similar weblinking feature) to a non-bank third party platform. Under the rule, the notification must be dismissed by a bank customer before accessing the third-party's platform. The proposal provided IDIs with two options with respect to the dismissal of the notification, such that the notification could be dismissed by an act of the customer or dismissed automatically after the customer has been provided a reasonable opportunity (3 seconds) to read the content. In response to requests for clarification, the Final Rule would modify the dismissal requirement, such that the notification could be dismissed

either, or both, (1) by an act of the customer *or* (2) automatically after a minimum of three seconds.

(3) *ATMs and Similar Devices*

The Final Rule would also streamline the signage requirements for ATMs and like devices while ensuring that signage continues to be displayed where it would be most relevant for consumers.

(A) FDIC Official Digital Sign

Under the current regulation, if an ATM or like device receives deposits and offers access to non-deposit products, IDIs must display the FDIC digital sign clearly, continuously, and conspicuously on the device's "home page or screen and on each transaction page or screen relating to deposits." Under the Final Rule, as proposed, IDIs would be required to display the FDIC official digital sign only on the ATM's initial screen. In response to comments, the Final Rule would clarify that a screen saver or advertisements on idle ATM screens would not be considered an "initial screen."

The Final Rule would also expand an alternative to the FDIC official digital sign requirement. Under the Final Rule, IDIs may choose to display the physical FDIC official sign on (1) all ATMs and like devices placed into service prior to April 1, 2027 and (2) all ATMs and like devices, regardless of when placed into service, that do not allow customers to transact with non-deposit products.

(B) Non-deposit Signage

Under the current regulation, ATMs and like devices that receive deposits for an IDI and offer access to non-deposit products must clearly, continuously, and conspicuously display non-deposit signage on *each* transaction page or screen relating to non-deposit products. As proposed, the Final Rule would require the display of non-deposit signage on the first page or screen displayed upon initiating a transaction with a non-deposit product. The Final Rule's requirement would apply only to ATMs or like devices that permit IDI customers to *transact with* one or more non-deposit products and would expressly state that the requirement only applies with respect to the IDI's own customers.

(4) *Technical Edit to Relocate "Digital Symbol" Definition*

The regulation defines the FDIC digital symbol in a section otherwise dedicated to signage requirements. However, the FDIC digital symbol is a term relevant to deposit insurance misrepresentations, not signage requirements. As proposed, the Final Rule would make an organizational change by transferring this definition to a different section in the regulation and updating a related cross-reference.

(5) *Additional Disclosures*

The regulation includes a provision stating that IDIs are permitted to include additional disclosures with the one-time, third-party non-deposit notification. In response to comments requesting that the FDIC expressly permit IDIs to include additional disclosures with all signage required by sections 328.4 and 328.5, the Final Rule would add two provisions, one for the digital deposit-taking channel signage requirements and one for the ATM signage requirements, stating that IDIs are not prohibited from displaying additional disclosures.

(6) Effective Date and Compliance Date

The Final Rule will be effective 30 days after publication in the *Federal Register*.

The Final Rule adopts a compliance date for the revised requirements of sections 328.4 and 328.5 of April 1, 2027. In response to comments, this ensures that IDIs have a full year to review the revised requirements and to implement any changes necessary to ensure their platforms are in compliance with the Final Rule.

OMB/OIRA MATTERS

The Office of Information and Regulatory Affairs (OIRA) has determined that the Final Rule is not a significant regulatory action for purposes of EO 12866. In accordance with Executive Order 14192, OIRA determined that the Final Rule is deregulatory, generating \$2.0 million in annualized cost savings at a 7% discount rate, discounted relative to year 2024, over a perpetual time horizon. The Office of Management and Budget also determined that the Final Rule is not a “major rule” for Congressional Review Act purposes.

CONCLUSION

Staff recommends that the Board approve the Final Rule for publication in the *Federal Register*.

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