

MEMO

TO: The Board of Directors

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

DATE: August 13, 2025

RE: Notice of Proposed Rulemaking on FDIC Official Sign and Advertising Rule

OVERVIEW

Staff presents for approval by the FDIC's Board of Directors (Board) the attached resolution and Notice of Proposed Rulemaking ("Notice," or "Proposed Rule") and requests that the Board authorize its publication in the *Federal Register* with a 60-day comment period. Through this Notice, the FDIC would propose amendments to its 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 final rule that, among other things, amended the FDIC's sign and advertisement of membership regulations implementing section 18(a) of the FDI Act (the "2023 Final Rule").² The 2023 Final Rule 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, ATMs, and like devices. The amendments made in the 2023 Final Rule took effect on April 1, 2024; however, full compliance with the amendments was not required until January 1, 2025.

Following adoption of the 2023 Final Rule, the FDIC received feedback that certain of its requirements posed implementation challenges for IDIs and other industry participants. Accordingly, the FDIC delayed the compliance date for the rule's signage requirements from

¹ 12 U.S.C. 1828(a)(1).

² 89 FR 3504 (Jan. 18, 2024).

Concur:

January 1, 2025 to May 1, 2025.³ The FDIC subsequently delayed the compliance date from May 1, 2025 to March 1, 2026 for the rule’s signage requirements for digital deposit-taking channels and ATMs and like devices.⁴ The delay was intended to allow the FDIC to propose changes to the regulation for public comment to address implementation concerns and potential sources of confusion regarding the signage requirements for digital deposit-taking channels under section 328.5 and ATMs and like devices under section 328.4.⁵

PROPOSED RULE

The Notice would seek comment on a Proposed Rule amending (1) the FDIC official digital sign design; (2) signage requirements for digital deposit-taking channels; and (3) signage requirements for ATMs and like devices. The Proposed Rule would set a compliance date of January 1, 2027.

(1) FDIC Official Digital Sign Design Requirements

Under the Proposed Rule, IDIs would have additional flexibility with respect to requirements regarding the color, font, and size 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 Proposed Rule would revise the signage requirements for digital deposit-taking channels to simplify compliance for IDIs by focusing the display requirements on the screens and pages where signage would be most relevant for consumers.

(A) FDIC Official Digital Sign

Section 328.5(d) 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 FDIC received feedback that “landing page” is not a term commonly used by IDIs, and the Proposed Rule would remove the “landing page” requirement. The Proposed Rule would also remove the requirement to display the FDIC official digital sign on pages where the customer may transact with deposits. The Proposed Rule would instead require an IDI to display the FDIC official digital sign on its digital deposit-taking channels’ page or screen where the consumer *initiates* a deposit account opening.

(B) Static Non-deposit Signage

The Proposed Rule would narrow the types of digital deposit-taking channel pages and screens 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 Proposed Rule would require the display

³ See 89 FR 84261 (Oct. 22, 2024).

⁴ See 90 FR 11659 (Mar. 11, 2025).

⁵ See *id.*

of non-deposit signage on all pages and screens that are primarily dedicated to one or more non-deposit products, such as a page or screen providing detailed information on one or more non-deposit products or pages where a consumer could purchase a non-deposit product. Non-deposit signage would not be required on pages or screens with incidental references to non-deposit products.

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

Under the 2023 Final Rule, IDIs must clearly, continuously, and conspicuously display the FDIC official digital sign and non-deposit signage on specified pages. The Proposed Rule would provide a non-exhaustive list of examples on various placements of the FDIC official digital sign and non-deposit signage that would meet the clear, continuous, and conspicuous standard for IDIs' digital deposit-taking channels.

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

The Proposed Rule would amend the 2023 Final Rule's requirement that an IDI display a one-time notification when a bank customer logged into an IDI's digital deposit-taking channel attempts to access non-deposit products through a hyperlink (or similar web-linking feature) to a non-bank third party platform, including the platforms of affiliated entities. The 2023 Final Rule required that the notification be dismissed by a bank customer before accessing the third-party's platform. The Proposed Rule would modify the dismissal requirement, instead permitting the notification to either be dismissed by an act of the customer or be dismissed automatically after a minimum of three seconds, to allow the customer a reasonable opportunity to read the notification's content.

(3) ATMs and Similar Devices

The Proposed Rule would similarly streamline the signage requirements for ATMs and like devices to reduce compliance burdens for IDIs while ensuring that signage continues to be displayed where it would be most helpful for consumers.

(A) FDIC Official Digital Sign

The Proposed Rule would provide IDIs with additional flexibility in displaying the FDIC official digital sign on ATMs and like devices. Under the 2023 Final Rule, 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 Proposed Rule, IDIs would be required to display the FDIC official digital sign only on the initial screen of an IDI's ATM or like device.

The Proposed Rule would expand an alternative to the FDIC official digital sign requirement. Under the Proposed Rule, IDIs may choose to display the physical FDIC official sign on (1) all ATMs and like devices placed into service prior to January 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 2023 Final Rule, 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. The Proposed Rule would clarify that this requirement would apply only to ATMs or like devices that permit IDI customers to transact with one or more non-deposit products. The Proposed Rule would also amend the requirement to only require the display of non-deposit signage on the *initial* transaction page or screen for a non-deposit product.

SIGNIFICANCE DETERMINATION

In accordance with Executive Order 12866, the FDIC sent its significance memorandum to the Office of Information and Regulatory Affairs (OIRA) recommending that the Proposed Rule not be considered a significant regulatory action. On July 28, 2025, OIRA determined that the Proposed Rule is not a significant regulatory action for purposes of EO 12866, therefore the FDIC can proceed as normal with Principal approval and publication in the *Federal Register*.

CONCLUSION

Staff recommends that the Board approve the attached Notice for publication in the *Federal Register* with a comment period of 60 days.

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