

## FDIC Publishes Final Rule Revising Its New Digital FDIC Signage Requirements\*

By way of background, in December 2023, the FDIC adopted a final rule which, among other things, amended the FDIC's official signage and advertising statement requirements for insured depository institutions (IDIs). 89 FR 3504. The final rule became effective on April 1, 2024, and initially required full compliance by January 1, 2025. Subsequently, the FDIC delayed the compliance date for the amendments in subpart A of 12 CFR 328 to May 1, 2025. The delay was intended to provide additional time for institutions to put in place processes and systems and make technological updates.

In March 2025, the FDIC further delayed until March 1, 2026, the compliance date for new digital signage requirements set forth in Sections 328.4 and 328.5. 90 FR 11659. Specifically, Section 328.4 governs official FDIC signage applicable to IDIs' ATMs or other remote electronic facilities that receive deposits. Section 328.5 governs FDIC signage applicable to "digital deposit-taking channels, including insured depository institutions' websites and web-based or mobile applications that offer the ability to make deposits electronically and provide access to deposits at insured depository institutions."

In its March 2025 announcement, the FDIC stated that its rationale for delaying the compliance date for Sections 328.4 and 328.5 was that many institutions had submitted questions to the FDIC regarding implementation of the new digital signage requirements, and the FDIC recognized delaying the compliance date was appropriate in order to address these questions. Then, in November 2025, the FDIC announced that it was once again delaying the compliance date for Sections 328.4 and 328.5, this time until January 1, 2027. 90 FR 54544. The FDIC stated that it had decided to further delay the compliance date in order to reduce unnecessary burdens on IDIs.

Here is the most recent development: On January 29, 2026, the FDIC published a final rule once again amending Sections 328.4 and 328.5 and further delaying their compliance date, this time until April 1, 2027. 91 FR 3801. According to the FDIC, this latest final rule is intended to address implementation issues and sources of potential confusion raised since the FDIC's initial 2023 final rule governing signage requirements for digital deposit-taking channels and ATMs. Among other things, the new final rule:

- Provides institutions with flexibility in the color, font, and text size that they may use when displaying official FDIC digital signage;

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- Modifies digital-deposit taking channels' FDIC signage requirements by: (i) requiring display of the digital sign on an institution's homepage, login page, and first page of the deposit account opening process; (ii) narrowing the requirement to display non-deposit signage to apply only to pages primarily dedicated to advertising or providing information about, or access to, non-deposit products; and (iii) permitting the one-time notification for bank customers related to third-party non-deposit products to automatically disappear after three seconds; and
- Narrows the requirement for the display of the digital sign and non-deposit signage for ATMs and similar devices to apply only to the initial screen and initial non-deposit transaction screen, respectively, and permits a wider range of ATMs and similar devices to display the physical FDIC official sign rather than the FDIC official digital sign.

According to an FDIC press release, this most recent final rule "seeks to minimize implementation issues, reduce burden, and address potential consumer confusion." The final rule does not amend other provisions of the 2023 final rule other than Sections 328.4 and 328.5.

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