



HOUSE BILL 462: Banking Law Amendments.

2017-2018 General Assembly

Committee:	House Banking. If favorable, re-refer to Finance	Date:	April 6, 2017
Introduced by:	Reps. Howard, Setzer, Destin Hall, Conrad	Prepared by:	Amy Darden
Analysis of:	PCS to First Edition H462-CSBB-5		Committee Counsel

OVERVIEW: *The PCS for House Bill 462 would make technical and clarifying changes to provisions applicable to commercial banks, bank holding companies, credit unions and mortgage notice requirements.*

The PCS removes sections repealing G.S. 53C-9-405 and G.S. 53C-9-406 and inserts a new Part IV regarding Payable on Death accounts for Credit Unions.

CURRENT LAW and BILL ANALYSIS:

Section 1: would make a technical change to reference the correct section of the Federal Deposit Insurance Act.

Section 2: would clarify the definition of a *non-branch bank business office* and make it clear that a bank must provide written notice to the Commissioner before opening an office out of state that does not meet the definition of a branch.

Section 3: would clarify that the following documents in the custody of OCOB are confidential:

- examination, audit or investigation records;
- records privileged prior to being obtained by the Commissioner;
- records containing personal information;
- records containing information bearing on character, competency, or experience, or information about personal finances of an existing or proposed organize, officer, director or employee;
- records of financial institutions in dissolution; and,
- minutes or other records related to meetings of various bodies of a financial institution, including board of directors and compliance review committee.

Section 4: would make technical and clarifying changes to the definition of *compliance review committee* and adds compliance with federal or State regulatory requirements and cybersecurity requirements to the list of standards or requirements a board, committee, or person can be responsible for evaluating compliance with in order to constitute a compliance review committee.

Section 5: would make a clarifying change that G.S. 53C-5-1(b) does not address agency activities, but only limits principal activities.

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House PCS 462

Page 2

Sections 6 and 7: Currently, the term "a natural person" is not defined in Chapter 53C. The PCS would replace the language "natural person" with "individual" concerning payable on death accounts (POD's) and personal agency accounts. It doesn't change the terms, just rephrases that when multiple beneficiaries exist, either beneficiary can withdraw money from a POD account independently. Makes treatment of pledges of POD's expressly the same as those of joint bank accounts, as defined in G.S. 53C-6-6(d).

Section 8: would clarify that a bank can establish one or more non-branch bank business offices in this State or another state, subject to specific requirements.

Section 9: would clarify the scope of combinations involving banks and other depository institutions and add language to clarify which transactions are subject to application and approval versus those subject to notification.

Section 10: would give the Commissioner authority over holding companies whose nonbank subsidiaries operate in this State.

Section 11: would recodify the fee provision in G.S. 53-232 and move it into Article 10 of Chapter 53C that deals with Bank Holding Companies. The PCS does not make any changes to the fee amounts.

Section 12: would repeal Article 18 of Chapter 53 since it would no longer be needed after the change made in Section 11, as Article 10 of Chapter 53C now fully covers bank holding companies.

Section 13: Currently, G.S. 45-91 provides requirements a servicer must comply with, regardless of whether the loan is in default or the borrower is or has been in bankruptcy. The bill would eliminate the need to send both a disclosure notice as required under the federal Truth in Lending Act and a duplicative notice under state law.

Section 14: would make the same changes as Section 6 of the PCS regarding payable on death accounts for credit unions.

EFFECTIVE DATE: This act is effective when it becomes law.