

4193

2011-2012 Regular Sessions

I N S E N A T E

March 23, 2011

Introduced by Sens. GRIFFO, FARLEY -- read twice and ordered printed,
and when printed to be committed to the Committee on Banks

AN ACT to amend the banking law, in relation to certain provisions
relating to foreign banking corporations

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Subdivision 1 of section 601-a of the banking law, as
2 amended by chapter 152 of the laws of 1993, is amended to read as
3 follows:
4 1. The following acquisitions are hereby authorized whether by
5 purchase or otherwise, other than by merger, of all or a substantial
6 part of the assets of:
7 (a) One or more corporations organized under the laws of this state
8 and subject to the provisions of article three, article eight or article
9 twelve of this chapter by another corporation subject to the provisions
10 of the same article.
11 (b) One or more safe deposit companies by a bank or trust company.
12 (c) One or more mutual savings banks by another mutual savings bank.
13 (d) One or more mutual savings and loan associations by another mutual
14 savings and loan association.
15 (e) One or more stock-form savings banks by another stock-form savings
16 bank.
17 (f) One or more stock-form savings and loan associations by another
18 stock-form savings and loan association.
19 (g) One or more banking institutions by another banking institution to
20 the extent permitted under regulations of the banking board. FOR
21 PURPOSES OF THIS SUBDIVISION, A BRANCH OR AGENCY OF A FOREIGN BANKING
22 CORPORATION LICENSED UNDER ARTICLE FIVE OF THIS CHAPTER SHALL BE CONSID-
23 ERED A BANKING INSTITUTION.
24 S 2. Section 604-a of the banking law, as added by chapter 743 of the
25 laws of 1958, the section heading and subdivision 1 as amended by chap-

EXPLANATION--Matter in ITALICS (underscored) is new; matter in brackets
[] is old law to be omitted.

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ter 297 of the laws of 1993, subdivision 2 as amended by chapter 489 of the laws of 1963 and subdivision 3 as amended by chapter 115 of the laws of 1981, is amended to read as follows:

S 604-a. Transfer of fiduciary relationships [of a banking institution]. 1. If any banking institution, including a bank or trust company, national banking association, savings bank, savings and loan association, federally chartered savings bank, federally chartered savings and loan association, BRANCH OR AGENCY OF A FOREIGN BANKING CORPORATION, located in this state, shall have transferred all or substantially all of its assets to another banking institution in a transaction subject to this chapter pursuant to a written agreement between the transferor and transferee [corporations] whereby the transferee [corporation] has assumed the deposit liabilities, if any, of the transferor [corporation] and has agreed to assume all fiduciary relationships of the transferor [corporation], the transferee [corporation] may file in the office of the superintendent a certificate in its name and under its [corporate] seal, signed by its president, secretary or cashier, setting forth a copy of such agreement and stating that the transferee [corporation] assumes all of the fiduciary relationships of the transferor [corporation] pursuant to the provisions of this section; provided, however, that such certificate shall not be filed unless the approval of the superintendent shall have been endorsed thereon or annexed thereto before filing.

2. Upon the filing of such certificate in the office of the superintendent, all of the property, rights, powers and franchises of the transferor [corporation] as fiduciary shall vest in the transferee [corporation] and the transferee [corporation] shall be deemed to have assumed all of the debts, liabilities, obligations and duties of the transferor [corporation] as fiduciary, and to have succeeded to all the fiduciary relationships of the transferor [corporation], as fully and with the same effect as is provided in sections one hundred thirty-six-c and six hundred two OF THIS CHAPTER in the case of a merger, and any reference to the transferor [corporation] as fiduciary in any capacity, contained in any contract, will or document, whether executed or taking effect before or after the filing of such certificate in the office of the superintendent, shall be considered a reference to the transferee [corporation] if not inconsistent with the other provisions of the contract, will or document.

3. For the purposes of this section the fiduciary relationships of the transferor shall include all relationships as agent, trustee, guardian, receiver, committee, conservator, executor, administrator, or other fiduciary in any capacity or for any purpose mentioned in section one hundred, and all relationships of the transferor as bailee or depositary of personal property.

4. This section shall not be deemed to authorize a transferee [corporation] to assume any fiduciary relationship of a kind which it would not otherwise have power to undertake and perform. Nothing in this section shall be deemed to authorize any such transferee [corporation] to maintain as its own office any office previously maintained by the transferor [corporation], and authority, if any, to maintain any such office shall be governed by the applicable provisions of law other than this section. This section shall not be deemed to apply to contracts of the transferor for the leasing of safe deposit boxes or vaults.

S 3. This act shall take effect immediately.