S T A T E O F N E W Y O R K

2873

2013-2014 Regular Sessions

I N S E N A T E

January 24, 2013

Introduced by Sen. SMITH -- 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 the imposition of certain fees

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

Section 1. Subdivision 6 of section 18-a of the banking law is renumbered subdivision 7 and a new subdivision 6 is added to read as follows:

6. FOR ANY FEDERAL BANK, SAVINGS BANK, SAVINGS AND LOAN ASSOCIATION OR CREDIT UNION WHICH HAS LESS THAN ONE HUNDRED MILLION DOLLARS IN ASSETS AND WHICH IS MAKING AN APPLICATION TO CONVERT INTO A STATE BANK, SAVINGS BANK, SAVINGS AND LOAN ASSOCIATION OR CREDIT UNION, THE INVESTIGATION FEE FOR ANY SUCH APPLICATION SHALL BE ONE THOUSAND DOLLARS.

S 2. Section 34 of the banking law, as amended by chapter 310 of the laws of 1962, is amended to read as follows:

S 34. Superintendent as attorney to accept service of process. Whenever pursuant to any provision of this chapter, the superintendent shall have been duly appointed attorney to receive service of process for any individual, partnership, unincorporated association or corporation, such service shall be made by personally delivering duplicate copies of the process to and leaving them with the superintendent or any deputy superintendent. Service of process so made shall be deemed to have been made within the territorial jurisdiction of any court in this state. The superintendent or deputy superintendent shall forthwith forward by mail, postage prepaid, a copy of every process served upon him OR HER in accordance with this section, directed to the person last designated by such individual, partnership, unincorporated association or corporation in accordance with the provisions of this chapter to receive such process on his OR HER or its behalf. For each service of process upon the superintendent or a deputy, he OR SHE shall collect [the sum of two dollars] A FEE AS SET BY THE SUPERINTENDENT, PROVIDED THAT SUCH FEE

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

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SHALL NOT EXCEED THE AMOUNT OF THE SERVICE OF PROCESS FEE COLLECTED BY THE DEPARTMENT OF STATE PURSUANT TO PARAGRAPH (C) OF SECTION ONE HUNDRED FOUR-A OF THE BUSINESS CORPORATION LAW, which shall be paid by the plaintiff or moving party at the time of such service, EXCEPT THAT NO FEE SHALL BE COLLECTED FOR PROCESS SERVED ON BEHALF OF A COUNTY, CITY, TOWN, VILLAGE OR OTHER POLITICAL SUBDIVISION OF THE STATE. The term process when used in this section, includes any writ, summons, petition or order whereby any suit, action or proceeding shall be commenced.

S 3. This act shall take effect immediately.