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

4874

2009-2010 Regular Sessions

I N S E N A T E

April 27, 2009

Introduced by Sen. FOLEY -- 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 opening of branch offices and public accommodation offices by banking organizations

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

Section 1. Section 29 of the banking law, as amended by section 7 of part O of chapter 59 of the laws of 2006, is amended to read as follows:

S 29. Branch offices; public accommodation offices; approval or refusal; certificate; investigation fee. When a banking organization seeks to open a branch office or public accommodation office, it shall submit a written application to the superintendent. The application shall contain such information as the superintendent deems necessary. At the time of making such application, an investigation fee as prescribed pursuant to section eighteen-a of this article shall be paid to the superintendent for each branch office or public accommodation office for which leave to open is sought. If the superintendent finds that the opening of the branch office or public accommodation office is consistent with the declaration of policy set forth in section ten of this article and that the applicant is in compliance with section twenty-eight-b of this article AND THAT THE APPLICANT DOES NOT SEEK TO OPEN A BRANCH OFFICE OR PUBLIC ACCOMMODATION OFFICE, INCLUDING ANY ELECTRONIC BRANCH, UPON THE PREMISES OR REAL PROPERTY OF ANY OF THE APPLICANT'S SUBDIVISIONS OR AFFILIATES WHICH ENGAGE IN COMMERCIAL ACTIVITIES, OTHER THAN REAL ESTATE OWNERSHIP OR MANAGEMENT, THAT DO NOT CONSTITUTE BANKING, he or she shall issue a certificate in triplicate under his or her hand and the official seal of the department authorizing the opening and occupation of such branch office or public accommodation office and specifying the date on or after which and the conditions under which it may be opened and the place where it shall be located. The superintendent shall cause one of such triplicate certificates to be transmitted

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

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to the applicant, another to be filed in the office of the department and the third to be filed in the office of the clerk of the county in which the principal office of the applicant is located. If the superintendent shall not find that the opening of the branch or public accommodation office is consistent with the declaration of policy set forth in section ten of this article or that the applicant is in compliance with section twenty-eight-b of this article, he or she shall notify the applicant that the application has been denied.

No investigation fee for branch applications shall be collected from applicants if such branch applications are filed in conjunction with proceedings under section one hundred thirty-six, four hundred ten or subdivision eight of section six hundred five of this chapter.

S 2. This act shall take effect on the thirtieth day after it shall have become a law.