§ 96. General powers. Every bank and every trust company shall, subject to the restrictions and limitations contained in this chapter, have the following powers:

1. To discount, purchase and negotiate promissory notes, drafts, bills of exchange, other evidences of debt, and obligations in writing to pay in installments or otherwise all or part of the price of personal property or that of the performance of services; purchase accounts receivable, whether or not they are obligations in writing; lend money on real or personal security; borrow money and secure such borrowings by pledging assets; buy and sell exchange, coin and bullion; and receive deposits of moneys, securities or other personal property upon such terms as the bank or trust company shall prescribe; and exercise all such incidental powers as shall be necessary to carry on the business of banking. For purposes of this subdivision, the term "accounts receivable" shall not include the right to receive payment for property to be sold at a future date or services to be rendered at a future date.

2. To accept for payment at a future date, drafts drawn upon it by its customers and to issue letters of credit authorizing the holders thereof to draw upon it or its correspondents at sight or on time.

3. (a) To receive upon deposit for safe-keeping for hire upon terms and conditions to be prescribed by the bank or trust company, money, securities, papers of any kind and any other personal property;

(b) To engage in the safe deposit business by renting vaults, safe deposit boxes and other receptacles upon premises occupied by the bank or trust company, upon such terms and conditions as may be prescribed by the bank or trust company.

4. To issue by its board of directors capital notes or debentures, when so specifically authorized by the superintendent, and, when so specifically authorized by the superintendent, to receive in payment therefor, in whole or in part, mortgages, interests therein or other property and to retain, unrecorded or unregistered, assignments or conveyances of such mortgages, interests therein or other property, provided that the superintendent shall not approve the retention of any

assignment of mortgage or interest therein or any conveyance of other property, which may be recorded or registered, without record or registration thereof, except where such mortgage, interest therein or other property is assigned or conveyed by a corporation organized under the banking law or by a corporation wholly owned by not less than twenty savings banks of this state.

5. To become a member of a federal reserve bank, and to have and exercise all powers, not in conflict with the laws of this state, which are conferred upon any such member by the federal reserve act. Such bank or trust company and its directors, officers and stockholders shall continue to be subject, however, to all liabilities and duties imposed upon them by any law of this state and to all the provisions of this chapter relating to banks and trust companies.

6. To assume and discharge such obligations to Federal Deposit Insurance Corporation as may be necessary or required for the purpose of maintaining deposit insurance in such corporation.

7. (a) To act as financial agent of the United States Government and as depositary of public money of the United States (including, without being limited to, revenues and funds of the United States, and any funds the deposit of which is subject to the control or regulation of the United States or any of its officers, agents, or employees, and Postal Savings funds); and to perform all such reasonable duties as depositary of such public money and as financial agent of the United States Government as may be required of it; and to pledge assets or furnish other security, satisfactory in form and amount to the Secretary of the Treasury of the United States, for the safekeeping and prompt payment of such public money deposited with it and for the faithful performance of its duties as financial agent of the United States Government.

(b) To pledge assets or furnish other security, satisfactory in form and amount to judges of courts of bankruptcy, for the repayment of deposits of the money of estates under the national bankruptcy act.

(c) To pledge assets or furnish other security, satisfactory in form and amount to the depositor, for the repayment of moneys held in the name of any state (which term shall include every territory of the

United States, the District of Columbia, and the Commonwealth of Puerto Rico), or of any foreign nation, or of any Indian nation or tribe, or of any political subdivision or instrumentality or authority of any of them, when required to be secured by applicable law, decree, regulation or resolution, and to pledge assets or furnish other security for the repayment of moneys held as fiduciary, or in the name of a fiduciary, of any trust created by any such state, foreign nation, Indian nation or tribe, political subdivision, instrumentality or authority as required by the terms of such trust; provided, however, that before any pledge or security is made or furnished to any depositor other than this state or a political subdivision, instrumentality or authority of this state, the bank or trust company shall obtain a certified or official copy of such law, decree, regulation, or resolution or trust requiring such pledge or other security, and an opinion of counsel that such pledge or security is required by such law, decree, regulation, or resolution or by the terms of such trust.

9. To execute and deliver such guaranties as may be incidental to carrying on the business of a bank or trust company.

10. To exercise, subject to such regulations as may be issued from time to time by the superintendent, through any foreign branch office (other than one opened or occupied in another state of the United States, the District of Columbia, any territory of the United States, Guam, American Samoa, the United States Virgin Islands, and the Northern Mariana Islands) opened and occupied with the approval of the superintendent as provided in section one hundred five of this article, such further powers as may be usual in connection with the transaction of the business of banking in the place where such foreign branch office shall transact business, provided that no such foreign branch office shall engage in the general business of producing, distributing, buying or selling goods, wares, or merchandise, nor, except with respect to securities issued by any foreign nation or any political subdivision, agency or instrumentality thereof, engage or participate, directly or indirectly, in the business of underwriting, selling or distributing securities.

11. To designate one or more agents (except its employees) to issue or sell its travelers checks or money orders at locations other than its principal office or branch offices authorized pursuant to section one hundred five of this chapter, subject to such rules and regulations as the superintendent may make from time to time.

12. To acquire and lease personal property, or to acquire personal property subject to an existing lease together with the lessor's interest therein, subject to such limitations and conditions as the superintendent of financial services may from time to time prescribe by general regulation.

13. To reserve or order transportation, travel accommodations or other travel services.

14. To arrange, purchase or sell loans secured by liens on interests in real estate, subject to such terms, conditions and limitations as may be prescribed by the superintendent by regulation.

15. To engage in a "savings promotion" in accordance with section nine-v of this chapter and subject to any regulations promulgated by the superintendent. The superintendent shall consult with the state gaming commission before proposing any such regulations or any amendments thereto. Such regulations shall ensure that:

a. no participant in a savings promotion is charged any fee that would constitute, directly or indirectly, consideration for participation in such savings promotion; and

b. no participant in a savings promotion foregoes, directly or indirectly, any interest that would constitute consideration for participation in such savings promotion.

* 16. In addition to such authority as is contained in section ninety-eight of this chapter and notwithstanding any limitations set forth therein, to purchase, lease, exchange or otherwise acquire real property, improved or unimproved, or any interest therein, to erect, construct, rebuild, enlarge, alter, improve, maintain, manage and

operate buildings or other improvements of any description thereon, to sell, lease, sublet, mortgage, exchange or otherwise dispose of same and execute, perform and carry out contracts for construction, alteration, improvement, maintenance, management or repair thereof, to make loans in connection therewith, as owner, co-owner or otherwise, subject to such specific or general approvals and limitations as shall be required by regulations promulgated from time to time by the superintendent of financial services pursuant to this subdivision; provided, however, that no activity specified herein shall be undertaken pursuant to the authority contained in this subdivision until the superintendent of financial services shall have issued regulations specifying the limitations and requirements which shall be imposed in connection with the investments and activities referred to herein, including, without limitation, the consideration of such bank or trust company's record in meeting the credit needs of local communities within the meaning of section twenty-eight-b of this chapter.

* NB Expired June 30, 1988