

STATE OF OKLAHOMA

2nd Session of the 47th Legislature (2000)

SENATE BILL 1344

By: Monson

AS INTRODUCED

An Act relating to banks and trust companies; amending Section 78, Chapter 111, O.S.L. 1997 (6 O.S. Supp. 1999, Section 903.1), which relates to deposit accounts for minors; applying provisions relating to bank deposit accounts for minors to credit union deposit accounts for minors; amending 6 O.S. 1991, Section 2008, as last amended by Section 4, Chapter 151, O.S.L. 1995 (6 O.S. Supp. 1999, Section 2008), which relates to credit unions; providing procedure for submission and review of report of examination by credit union board of directors; repealing 6 O.S. 1991, Section 2011, which relates to credit union reserve funds; and providing an effective date.

BE IT ENACTED BY THE PEOPLE OF THE STATE OF OKLAHOMA:

SECTION 1. AMENDATORY Section 78, Chapter 111, O.S.L. 1997 (6 O.S. Supp. 1999, Section 903.1), is amended to read as follows:

Section 903.1 A. Except as otherwise provided by this section, a bank or credit union lawfully doing business in this state may enter into a deposit account with a minor as the sole and absolute owner of the account and may pay checks and withdrawals and otherwise act with respect to the account on the order of the minor. A payment or delivery of rights to a minor who holds a deposit account evidenced by a receipt or other acquittance signed by the minor discharges the bank or credit union to the extent of the payment made or rights delivered.

B. If the minor is the sole and absolute owner of the deposit account, the disabilities of minority are removed for the limited purposes of enabling:

1. The minor to enter into a depository contract with ~~the~~ a bank or credit union; and

2. The bank or credit union to enforce the contract against the minor, including collection of overdrafts and account fees and submission of account history to account reporting agencies and credit reporting bureaus.

C. A parent or legal guardian of a minor may deny the minor's authority to control, transfer, draft on, or make withdrawals from the minor's deposit account by notifying the bank or credit union in writing. On receipt of the notice by the bank or credit union, the minor may not control, transfer, draft on, or make withdrawals from the account during minority except with the joinder of a parent or legal guardian of the minor.

D. If a minor with a deposit account dies, the receipt or other acquittance of the minor's parent or legal guardian discharges the liability of the bank or credit union to the extent of the receipt ~~of~~ or other acquittance, except that the aggregate discharges under this subsection may not exceed Three Thousand Dollars (\$3,000.00).

E. Subsection A of this section does not authorize a loan to the minor by the bank or credit union, whether on pledge of the minor's savings account or otherwise, or bind the minor to repay a loan made except as provided by subsection B of this section or other law or unless the depository institution has obtained the express consent and joinder of a parent or legal guardian of the minor. This subsection does not apply to an inadvertent extension of credit because of an overdraft from insufficient funds, returned checks or deposits, or other shortages in a depository account resulting from normal banking or credit union operations.

SECTION 2. AMENDATORY 6 O.S. 1991, Section 2008, as last amended by Section 4, Chapter 151, O.S.L. 1995 (6 O.S. Supp. 1999, Section 2008), is amended to read as follows:

Section 2008. A. A regular examination of credit unions organized under the laws of this state shall be made by or under the supervision of the Administrator appointed by the State Banking Commissioner. ~~Credit unions shall report to the Administrator at least semiannually or upon request by the Administrator on forms supplied for that purpose.~~ The Administrator shall investigate and examine credit unions organized under Section 2001 et seq. of this act title at least every eighteen (18) months, or more often if the Administrator and the State Credit Union Board deem it necessary, ~~and for.~~ For the purpose of making such examinations, examiners shall have full access to all books, papers, securities, records and other sources of information under the control of credit unions.

B. In lieu of making an examination of a credit union, an examination or audit report of the condition of the credit union made by the National Credit Union Administration may be accepted by the Administrator.

C. Upon receipt by the credit union or any officer thereof, the report of examination shall be submitted by the officer receiving it to the board of directors for review at the next meeting of the board and duly noted in the minutes of the board in such form and in such manner as may be prescribed and directed by the Commissioner. A review of the report of examination must be made by each director and member of the supervisory committee prior to the signing and submission to the Department of the accompanying "signatures of directors and supervisory committee" page.

D. Credit unions shall report to the Administrator at least semiannually or upon request by the Administrator on forms supplied for that purpose. Every credit union which fails to make and transmit or to publish any report required within the discretion of

the Administrator shall be liable for an administrative violation and subject to a fine not to exceed Five Dollars (\$5.00) for each day, after the period respectively therein mentioned, that the credit union delays to make and transmit its report or its proof of publication. Whenever any credit union delays or refuses to pay the fine herein imposed for a failure to make and transmit or to publish a report, the Commissioner is hereby authorized to maintain an action in the name of the state against the delinquent credit union for the recovery of such fine, and all sums collected by such action shall be paid into the State Treasury to be credited to the General Revenue Fund.

~~D.~~ E. In order to simplify the organization of credit unions, the Administrator shall cause to be prepared a form of organization certificate which shall be used by credit unions organized hereunder and a form of bylaws consistent with Section 2001 et seq. of this act title, which may be used by credit union incorporators and shall be supplied upon request.

~~E.~~ F. The Administrator shall ~~issue~~ prepare a report each year as of ~~December 31 a report~~ showing the financial condition of all credit unions under the supervision of the Administrator as of December 31 of the preceding year. The report shall be published in the annual report of the Commissioner, which shall be a public document and shall include such other matters as the Commissioner deems advisable.

SECTION 3. REPEALER 6 O.S. 1991, Section 2011, is hereby repealed.

SECTION 4. This act shall become effective November 1, 2000.

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