

CHAPTER 225
FORMERLY
HOUSE BILL NO. 286
AS AMENDED BY
HOUSE AMENDMENT NO. 1

AN ACT TO AMEND TITLE 5 OF THE DELAWARE CODE RELATING TO FINANCIAL INSTITUTIONS.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF DELAWARE:

Section 2. Amend Title 5, § 127(b) of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(b) The Commissioner shall assess annually each institution subject to examination by the Commissioner or by the Commissioner's direction a supervisory assessment based on the total assets of said institutions as of December 31 each year; provided however, that there shall be allowed as a credit against this assessment the amount of the supervisory assessment otherwise due from a subsidiary of such institution. ~~Notwithstanding the foregoing sentence, the supervisory assessment on branches in this State of out of state banks (as defined in § 795 of this title) shall be based on assets calculated as the greater of § 1101(i)(2)(i) or (i)(3)(i) of this title [repealed].~~ The supervisory assessments are to provide for the balance of the budget of the office of the Commissioner not covered under subsection (a) of this section. The assessment shall not exceed 5 cents for each \$1,000 of an institution's total assets. In no event shall the assessment to any institution be less than \$500 when the examination is conducted within the State and \$1,000 when the examination is conducted outside the State. The Commissioner shall compute the rate per \$1,000 of assets required for the ensuing fiscal year and submit such data to the Council on Banking by July 10 each year. The rates shall be invoiced to the institutions on July 15 each year, and are due and payable on August 1 each year. If any institution shall fail to pay the supervisory assessment due under this section on or before the August 1 due date, a penalty of 0.05 percent shall be assessed for each day that the supervisory assessment shall remain unpaid after such date.

Section 3. Amend Title 5, § 2106 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2106 License requirements.

A licensee shall obtain a license for each office or other place of business from which its mortgage loan brokerage business is conducted upon payment of the required fees for each office and compliance with all applicable provisions of law. ~~Each license issued under this chapter shall state the address at which the business is to be conducted and shall state fully the name of the licensee. Such license shall be posted in a prominent position in the therein designated place of business of the licensee. In the event such the location of a licensed office is changed during the term of the license,~~ the Commissioner shall issue without charge an amended license showing for the new location. If there is a change of name but no change in corporate or other business structure, the Commissioner shall issue without charge an amended license showing for the new name. Such license shall not otherwise be transferrable or assignable. The Commissioner may issue more than 1 license to the same applicant upon payment of the required fees and compliance with all applicable provisions of law.

Section 4. Amend Title 5, § 2206(a) of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2206 License requirements; acquisition.

(a) A licensee shall obtain a license for each office or other place of business from which its licensed business is conducted upon payment of the required fees for each office and compliance with all applicable provisions of law. ~~Each license issued under this chapter shall state the address at which the business is to be conducted and shall state fully the name of the licensee. A copy of such license shall be prominently posted in each place of business of the licensee. In case such location be changed,~~ In the event the location of a licensed office is changed during the term of the license, the Commissioner shall issue without charge an amended license showing for the new location. In case there is a change of name but no change in corporate structure, the Commissioner shall issue without charge an amended license showing for the new name. Such license shall not be otherwise transferable or assignable. ~~No licensee shall maintain an office at any other location than that designated in the license.~~ The Commissioner may

issue more than 1 license to the same applicant upon payment of the required fees and compliance with all applicable provisions of law.

Section 5. Amend Title 5, § 2308(b) of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

(b) A licensee shall obtain a license for each office or other place of business from which its licensed business is conducted upon payment of the required fees for each office and compliance with all applicable provisions of law. ~~Each license issued under this chapter shall state the address at which the business is to be conducted and shall state fully the name of the licensee. A copy of such license shall be prominently posted in each place of business of the licensee. In case such location be changed,~~ In the event the location of a licensed office is changed during the term of the license, the Commissioner shall issue without charge an amended license showing for the new location. In case there is a change of name but no change in corporate structure, the Commissioner shall issue without charge an amended license showing for the new name. Such license shall not be otherwise transferable or assignable. ~~No licensee shall maintain an office at any other location than that designated in the license.~~ The Commissioner may issue more than 1 license to the same applicant upon payment of the required fees and compliance with all applicable provisions of law.

Section 6. Amend Title 5, § 2712 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2712 Form and contents of application for license.

Application for a license required by § 2711 of this title shall be in writing, ~~under oath,~~ and in the form prescribed by the State Bank Commissioner, and shall state the name and the address (both of the residence and place of business) of the applicant, and if the applicant is a copartnership or association, of every member thereof, and if a corporation, of each officer and director thereof. If the business is to be conducted at a specific address, the application shall state the address at which the business is to be conducted, and if the business is to be conducted from a mobile unit, the Delaware State registration number or other identification of the mobile unit, and the area in which the applicant proposes to operate the mobile unit. The application shall also contain such further information as the Commissioner requires.

Section 7. Amend Title 5, § 2716 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2716 Issuance of license; conditions precedent.

If the State Bank Commissioner finds that the financial responsibility, experience, character and general fitness of the applicant, and of the members thereof if the applicant is a copartnership or association, and of the officers and directors thereof if the applicant is a corporation, are such as to command the confidence of the community and to warrant belief that the business will be operated honestly, fairly and efficiently within the purposes of this chapter, and if the Commissioner finds that the granting of the application will promote the convenience and advantage of the area in which such business is to be conducted, and if the Commissioner finds that the applicant has available for the operation of the business for each location and for each mobile unit specified in the application liquid assets of at least \$5,000, the Commissioner shall thereupon ~~execute~~ issue a license ~~in duplicate~~ to permit the cashing of checks, drafts and money orders in accordance with this chapter at the location or in the area specified in the application. ~~The Commissioner shall transmit 1 copy of the license to the applicant and file another in the office of the State Banking Department.~~

Section 8. Amend Title 5, § 2718 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2718 ~~Form of license.~~ [Repealed.]

~~The license to cash checks, drafts or money orders shall state: The name of the licensee; if the licensee is a copartnership or association, the names of the members thereof; if the business is to be conducted at a specific address, the address at which the business is to be conducted; and if the business is to be conducted through the use of a mobile unit, the Delaware State registration number or other identification of the mobile unit and the area in which the mobile unit is authorized to do business.~~

Section 9. Amend Title 5, § 2724 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2724 Change of place of business or area; change of name.

(a) A licensee may make a written application to the State Bank Commissioner for leave to change the licensee's place of business, or in the case of a mobile unit, the area in which the unit is authorized to be operated, stating the reasons for the proposed change. If the Commissioner approves the application the Commissioner shall issue a new license ~~in duplicate~~ in accordance with §§ 2716-2720 of this title, stating for the new location of the licensee or, in the case of a mobile unit, the new area in which the mobile unit may be operated.

(b) In case there is a change in name but no change in corporate structure of a licensee, the Commissioner shall issue without charge an amended license showing for the new name.

Section 10. Amend Title 5, § 2719 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows and redesignating accordingly:

§ 2719 ~~Display of license.~~ [Repealed.]

~~The license issued pursuant to this chapter shall be kept conspicuously displayed in the place of business of the licensee or, in the case of a mobile unit, upon the mobile unit.~~

Section 11. Amend Title 5, § 2744 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2744 ~~Limitations on business.~~ [Repealed.]

~~No licensee shall at any time cash or advance any moneys on a post dated check or draft or engage in the business of transmitting money or receiving money for transmission.~~

Section 12. Amend Title 5, § 2902 of the Delaware Code by making deletions as shown by strike through and insertions as shown by underline as follows:

§ 2902 Licensing of sales finance companies required.

(a) No person shall engage in the business of a sales finance company in this State without a license therefor as provided in this chapter; provided, however, that the licensing requirements of this chapter shall not apply to any banking organization, federal credit union or insurance company, or any other person, if and to the extent that such person is engaging in the business of a sales finance company in this State in accordance with and as authorized by any other applicable law of this State or the United States.

(b) The application for such license shall be in writing, ~~under oath~~, and in the form prescribed by the Commissioner. The application shall contain the name of the applicant; the address, or addresses, where the business is or is to be conducted; the name and resident address, or addresses, of the owner or partners or, if a corporation or association, of the directors, trustees and principal officers; and such other pertinent information as the Commissioner may require.

(c) The license fee for each calendar year or part thereof shall be the sum of \$287.50 for the principal place of business of the licensee and the sum of \$287.50 for each additional office of the licensee.

In addition, the original application for the initial license shall be accompanied by an investigation fee in the amount of \$287.50 which shall not be refundable.

(d) A licensee shall obtain a license for each office or other place of business from which its licensed business is conducted upon payment of the required fees for each office and compliance with all applicable provisions of law. Each license shall specify the location of the office and must be conspicuously displayed there. In case such location be changed, In the event the location of a licensed office is changed during the term of the license, the Commissioner shall issue without charge an amended license showing for the new location. The Commissioner may issue more than 1 license to the same applicant upon payment of the required fees and compliance with all applicable provisions of law.

(e) Upon the filing of such application, and the payment of said fee, the Commissioner shall issue a license to the applicant to engage in the business of sales finance company under and in accordance with the provisions of this chapter for a period which shall expire the last day of December next following the date of its issuance. In case there is a change of name but no change in corporate structure, the Commissioner shall issue without charge an amended

license ~~showing~~ for the new name. Such license shall not be otherwise transferable or assignable. No licensee shall transact any business provided for by this chapter under any other name.

Section 13. This Act shall take effect upon its enactment into law.

Approved May 09, 2016