

Readopt with amendment Ban 100, effective 12-22-95 (Doc #6146) to read as follows:

CHAPTER Ban 100 ORGANIZATIONAL RULES

PART Ban 101 PURPOSE AND SCOPE DEFINITIONS

Ban 101.01 Purpose. The purpose of the department is to carry out the requirements of the following New Hampshire Revised Statutes Annotated relative to banks and banking and consumer credit transactions:

- (a) RSA 358-K;
- (b) RSA 361-A;
- (c) RSA 383 and RSA 384;
- (d) RSA 384-B through RSA 393-A;
- (e) RSA 394-A through RSA 397-B; and
- (f) RSA 399-A through RSA 399-G.

Ban 101.02 Scope. The scope of these rules covers the following types of institutions that are either chartered, registered or licensed in New Hampshire:

- (a) Banks;
- (b) Trust companies;
- (c) Family trust companies;
- (d) Mutual and guaranty savings banks;
- (e) Cooperative banks;
- (f) Savings and loan associations;
- (g) Building and loan associations;
- (h) Credit unions;
- (i) Other financial institutions organized and operating under the banking laws of the state of New Hampshire;
- (j) Small loan companies;
- (k) Mortgage bankers and brokers;
- (l) Mortgage originators;

(m) Motor vehicle sales finance companies;

(n) Retail sellers of motor vehicles;

(o) Debt adjusters;

(p) Mortgage loan servicers;

(q) Cash dispensing machines; and

(r) Money transmitters.

PART Ban 102 DEFINITIONS

Ban 102.01 "Board of Trust Company Incorporation (BOTCI)" means the board established by RSA 392:1.

Ban 102.012 "Commissioner" means the bank commissioner of the state of New Hampshire banking department appointed under the provisions of RSA 383:1.

Ban 102.023 "Department" means the state of New Hampshire banking department.

Ban 102.04 "Public Deposit Investment Pool (PDIP)" means the pool established by RSA 383:22 to invest funds for the state governmental units.

PART Ban 1023 DESCRIPTION OF DEPARTMENT

Ban 1023.01 ~~Commissioner; Commissioner's Office Organizational Units.~~ The banking department consists of the following organizational units:

~~(a) The bank supervision division; and~~

~~(b) The consumer credit division.~~

~~Ban 102.02 Duties:~~

~~(a) The department is established to carry out the requirements of RSA 358-K, RSA 361-A and RSA 383 through RSA 399-E, relative to banks and banking and consumer credit transactions.~~

(a) The department is under the direction of the commissioner.

(b) The ~~bank~~ commissioner has general responsibility for the supervision of:

(1) Banks;

(2) Trust companies;

(3) Family trust companies;

(4) Mutual and guaranty savings banks;

- (54) Cooperative banks;
- (65) Savings and loan associations;
- (76) Building and loan associations;
- (87) Credit unions;
- (98) Other financial institutions organized and operating under the banking laws of the state of New Hampshire;
- (109) Small loan companies;
- (110) ~~First-m~~Mortgage bankers and brokers;
- (12) Mortgage loan originators;
- ~~(11) Second mortgage home loan lenders;~~
- (132) Motor vehicle sales finance companies;
- (143) Retail sellers of motor vehicles;
- (154) Debt adjusters; ~~and~~
- (165) Mortgage servicers; ~~;~~
- (17) Cash dispensing machines; and
- (18) Money transmitters.

(c) The commissioner's office includes the following:

- (1) A deputy commissioner pursuant to RSA 383:1; and
- (2) Assistants as necessary for general office matters.

Ban 103.02 Banking Division. The banking division, headed by the chief bank examiner, conducts:

- (a) Examinations of each state chartered financial institution;
- (b) Reviews of applications and petitions for business activity;
- (c) Other regulatory functions required to supervise chartered financial institutions.

Ban 103.03 Consumer Credit Division.

(a) The consumer credit division, headed by the director of consumer credit, comprises two subdivisions:

(1) Examinations, which conducts on-site and off-site examinations of each licensee and registrant of the department; and

2) Licensing, which oversees the licensing application process and registration process of New Hampshire banking department licensees and registrants.

(b) The consumer credit division engages in all other regulatory functions required to supervise consumer credit licensees and registrants.

Ban 103.04 Legal Division. The legal division, headed by the general counsel:

(a) Investigates consumer complaints against institutions under the supervision of the commissioner;

(b) Prosecutes and takes enforcement actions against institutions under the supervision of the commissioner;

(a) Provides legal counsel to the department; and

(b) Engages in rulemaking and legislation.

Ban 103.05 Operations Division. The operations division, headed by the director of operations coordinates the following functions:

(a) Accounting, purchasing, and budget control;

(b) Personnel management;

(c) Property and contract management;

(d) Assistance to the commissioner with short and long range department level planning activities.

~~Ban 1032.034 Office Location, Office Hours, Mailing Address, Telephone and Fax Numbers, and TDD Access Relay Number. Department Information.~~

~~(a) The banking department offices shall be located at 53 Regional Drive Suite 200, Concord, New Hampshire, and shall be open to the public between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday, except State of New Hampshire holidays.~~

~~(b) The mailing address of the banking department shall be 53 Regional Drive Suite 200, Concord, New Hampshire, 03301.~~

~~(c) The telephone number shall be (603)271-3561 and the fax number shall be (603)271-1090.~~

~~(d) The TDD Access Relay number shall be 1-800-735-2964.~~

(a) The department's office location shall be:

(1) Located at:

53 Regional Drive, Suite 200
Concord, New Hampshire; and

(2) Open to the public between the hours of 8:00 A.M. and 4:30 P.M., Monday through Friday, except State of New Hampshire holidays.

(b) The department's mailing address shall be:

New Hampshire Banking Department
53 Regional Drive Suite 200
Concord, New Hampshire, 03301.

(c) The department may also be contacted by:

(1) Telephone at (603)271-3561;

(2) Fax at (603)271-1090;

(3) TDD Access Relay at 1-800-735-2964; or

(4) Electronic mail at banking@state.nh.us.

(d) Other helpful information may be found on the department's website at www.nh.gov/banking.

PART Ban 10~~34~~ PUBLIC INFORMATION

Ban 104.01 New Hampshire Banking Department Records. For purpose of this part, "New Hampshire Banking Department records" means governmental records as defined in RSA 91-A:1-a.

Ban 10~~34~~.0~~2~~ Access to Public Information.

(a) ~~Copies of~~ The commissioner's annual report ~~or and~~ other public information are available at www.nh.gov/banking/bank-cu-trust/index.htm, ~~may be obtained from or examined at the department's offices at 53 Regional Drive Suite 200, Concord, New Hampshire, 03301.~~

(b) The department's administrative rules shall be available for examination at:

(1) The department's offices at 53 Regional Drive, Suite 200, Concord, New Hampshire;

(2) The New Hampshire state library in Concord, New Hampshire;

(3) Office of Legislative Services, Administrative Rules Division, State House Annex, Concord, New Hampshire; ~~or~~

(4) On the department's website at www.nh.gov/banking/laws-rules-guidance.index.htm; and

(54) Other similar places of public access.

(c) Information available on the department's website includes:

(1) Public orders from 2006 onwards; and

(2) Current lists of chartered institutions, licensees and registrants.

(d) A person seeking information about hearings and proceedings before the department, including the board of trust company incorporation and public deposit investment pool, may join the department's email notification list by signing up at <http://www.nh.gov/banking/news-events/public-notices.htm>.

(e) A person may join the department's email notification list by signing up at <http://www.nh.gov/banking/news-events/public-notices.htm>. to receive information for department:

(1) Hearings;

(2) Board of trust company meetings;

(3) Public deposit investment pool meetings; and

(4) Proceedings.

Ban 104.03 Requests for New Hampshire Banking Department Records.

(a) Persons seeking department records shall request the information being sought in writing.

(b) The written request for department records may be delivered to the department by:

(1) U.S. mail or courier service to the department office;

(2) Facsimile to 603-271-1090; or

(3) Email to legal@banking.state.nh.us.

(c) Requests shall include the following information:

(1) Name of the individual(s) making request;

(2) Business name or association name, if any;

(3) Telephone number and facsimile number; and

(4) Specific description of records being requested.

(d) Department records, not otherwise declared confidential by law, shall be available for inspection by appointment by any interested persons at the department offices during open office hours as provided in Ban 103.04.

Ban 104.04 Response to Request for Records.

(a) The department shall respond to all written requests for records pursuant to the provisions of RSA 91-A.

(b) By agreement between the requesting party and the department, the department shall electronically send the copies to a valid email address provided by the requesting party.

(c) If copies are requested, the requesting party shall be charged a fee for the actual cost of the hard copies or electronic copies as assessed by the department.

~~Ban 103.02 Record of Hearings and Proceedings.~~

~~(a) A record shall be made for all hearings and proceedings before the department. Prehearing conferences held pursuant to RSA 541-A:32, V shall not be subject to the provisions of Ban 103.02.~~

~~(b) Pursuant to RSA 91-A:2, II, minutes of a hearing or proceeding shall include the following:~~

~~(1) The names of persons appearing before the department;~~

~~(2) The names of department members appearing at the hearing or proceeding on behalf of the department;~~

~~(3) A brief description of the subject matter discussed; and~~

~~(4) A brief description of any final decisions made.~~

~~(c) Pursuant to RSA 91-A:2, II, minutes shall be promptly recorded and open to inspection within 144 hours of the hearing or proceeding. Such minutes shall be treated as permanent records of the banking department.~~

~~(d) A party may request from the department a copy of the audiotape of a hearing or proceeding. The department shall assess the requesting party a fee for the actual cost of providing a copy of the audiotape requested.~~

~~(e) A party may request from the department a transcript of the audiotape of a hearing or proceeding. The department shall assess the requesting party a fee for the actual cost of providing the transcript requested.~~

~~(f) All requests for transcripts or copies of an audiotape shall be made to the department in writing within 45 days after the date of the hearing or proceeding.~~

~~Ban 103.03 Copies of Records. Persons desiring copies of written records shall submit a request in writing which identifies as particularly as possible the information being sought. There shall be no charge for the first 10 pages of copied records. The department shall assess a copying fee of \$.25 per page for each page over 10. If records are requested which contain both public and confidential~~

~~information, the department shall delete the confidential information and provide the remaining information.~~

APPENDIX

Rule Number	State Statute Implemented
Ban 101.01	RSA 541-A:16, I. (a)
Ban 101.02	RSA 541-A:16, I. (a)
Ban 102.01	RSA 541-A:16, I. (a); RSA 392:1
Ban 102.02	RSA 541-A:16, I. (a); RSA 383:1
Ban 102.03	RSA 541-A:16, I. (a); RSA 383:9, II.
Ban 102.04	RSA 541-A:16, I. (a); RSA 383:22
Ban 103.01	RSA 541-A:16, I. (a); RSA 383:1; RSA 383:7-a; and RSA 383:9, II.
Ban 103.02	RSA 541-A:16, I. (a); RSA 383:1; RSA 383:7-a; and RSA 383:9, II.
Ban 103.03	RSA 541-A:16, I. (a); RSA 383:1; RSA 383:7-a and 383:9 II
Ban 103.04	RSA 541-A:16, I.(a); RSA 383:9, II
Ban 104.01	RSA 541-A:16, I. (a); RSA 383:9, II
Ban 104.02	RSA 541-A:16, I. (a); RSA 383:9, II
Ban 104.03	RSA 541-A:16, I. (a); RSA 383:9, II
Ban 104.04	RSA 541-A:16, I. (a); RSA 383:9, II