

Readopt with amendment Ban 101 through Ban 103, effective 01-24-13 (Document #10258), cited and to read as follows:

CHAPTER Ban 100 ORGANIZATIONAL RULES

PART Ban 101 PURPOSE AND SCOPE

Ban 101.01 Purpose. The purpose of these rules is to describe the New Hampshire banking department and how to obtain its information.

Ban 101.02 Scope. These rules shall apply to ~~[the following types of]~~ **financial** institutions that are either chartered, registered or licensed in New Hampshire, **including, without limitation:**

- (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)]~~ **(d)** Credit unions;
- ~~[(i)]~~ **(e)** Small loan companies;
- ~~[(j)]~~ **(f)** Mortgage bankers, ~~and~~ brokers, **originators, and loan servicers;**
- ~~[(k)] Mortgage originators;]~~
- ~~[(l)]~~ **(g)** Motor vehicle sales finance companies;
- ~~[(m)]~~ **(h)** Retail sellers of motor vehicles;
- ~~[(n)]~~ **(i)** Debt adjusters;
- ~~[(o) Mortgage loan servicers;]~~
- ~~[(p) Cash dispensing machines]~~
- ~~-(q)~~ **(j)** Money transmitters; and
- ~~-(r)~~ **(k)** Other financial institutions organized and operating under the banking laws of the state of New Hampshire.

PART Ban 102 DEFINITIONS

Ban 102.01 RESERVED

Ban 102.02 "Commissioner" means the bank commissioner of the state of New Hampshire banking department appointed under the provisions of RSA 383:1.

Ban 102.03 "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 103 DESCRIPTION OF DEPARTMENT

Ban 103.01 Commissioner, Commissioner's Office.

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

(b) The commissioner has general responsibility for the supervision and examination of state banks, trust companies, family trust companies, credit unions and other entities licensed by the department and as designated by law.

~~(1) Banks;~~

~~(2) Trust companies;~~

~~(3) Family trust companies;~~

~~(4) Mutual and guaranty savings banks;~~

~~(5) Cooperative banks;~~

~~(6) Savings and loan associations;~~

~~(7) Building and loan associations;~~

~~(8) Credit unions;~~

~~(9) Other financial institutions organized and operating under the banking laws of the state of New Hampshire;~~

~~(10) Small loan companies;~~

~~(11) Mortgage bankers and brokers;~~

~~(12) Mortgage loan originators;~~

~~(13) Motor vehicle sales finance companies;~~

~~(14) Retail sellers of motor vehicles;~~

~~(15) Debt adjusters;~~

~~(16) 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]~~ **director of banking**, conducts:

- (a) **Supervision and [e]xaminations** of each state chartered financial institution;
- (b) Reviews of applications [~~and petitions~~], **notices, and other requests** for business activity; and
- (c) Other regulatory functions required to supervise chartered financial institutions.

Ban 103.03 Trust Division. The trust division, headed by the director of trusts, conducts:

- (a) Examinations of each state-chartered trust company and family trust company;**
- (b) Reviews of applications, notices, and other requests for business activity related to public and family trust companies; and**
- (c) Other regulatory functions required to supervise chartered trust companies and family trust companies.**

Ban 103.~~[03]~~**04** Consumer Credit Division. [~~(a)~~] The consumer credit division, headed by the ~~[director of consumer credit, comprises 2 subdivisions:]~~ **director of consumer credit**, conducts:

- ~~[(1)]~~ **(a) Examinations** [~~, which conducts on-site and off-site examinations~~] of each **consumer credit** licensee [~~and registrant~~] of the department; [~~and~~]
- ~~[(2)]~~ **(b) [Licensing, which oversees the] Reviews of** licensing applications [~~process and registration process~~] of **consumer credit entities** ~~New Hampshire banking department licensees and registrants~~].
- ~~[(b)]~~ **(c) [The consumer credit division engages in all other]** Other regulatory functions required to supervise consumer credit licensees [~~and registrants~~].

Ban 103.~~[04]~~ **05** Legal Division. The legal division, headed by the general counsel:

- (a) Investigates, **mediates, and resolves** consumer complaints against institutions under the supervision of the commissioner;
- (b) Provides legal support for administrative actions taken by the department, and [P]** prosecutes and takes enforcement actions against institutions under the supervision of the commissioner;
- (c) Provides legal counsel to the department; ~~and~~
- (d) Assists the commissioner in rulemaking and legislation[.];
- (e) Provides information and assistance to members of the public relating to matters under the department's regulatory authority; and**
- (f) Administers and coordinates the department's responses to requests for governmental records.**

Ban 103.~~[05]~~ **06** 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; and
- (d) Assistance to the commissioner with short and long range department level planning activities.

Ban 103.~~[06]~~ **07** Department Information.

- (a) The department's office is:
 - (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 from 9:00 A.M. to 3:00 P.M., or by scheduled appointment, except State of New Hampshire holidays.
- (b) The department's mailing address is:
 - 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)-]~~ (2) TDD Access Relay at 1-800-735-2964; or
 - ~~[(4)-]~~ (3) Electronic mail at [~~nhbd@banking.state.nh.us.~~] nhbd@banking.nh.gov.
- (d) Other helpful information may be found on the department's website at [~~www.nh.gov/banking~~] www.banking.nh.gov.

Readopt with amendment Ban 104.01, effective 01-24-13 (Document #10258), cited and to read as follows:

PART Ban 104 DEPARTMENT INFORMATION AVAILABLE TO THE PUBLIC

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, III~~].

Readopt with amendment Ban 104.02, effective 10-19-13 (Document #10442), to read as follows:

Ban 104.02 Access to Department Information.

- (a) The commissioner's annual report and other department information are available at [~~www.nh.gov/banking/forms-pubs/be-annual-reports.htm.~~] www.banking.nh.gov/forms-publications/annual-reports-commissioner

- (b) The department's administrative rules are available for examination at:

- (1) The department's offices at 53 Regional Drive, Suite 200, Concord, New Hampshire;
 - (2) On the department's website at [~~www.nh.gov/banking/laws-rules-guidance/index.htm~~] www.banking.nh.gov/banks-credit-unions/laws-rules-guidance; and
 - (3) Other similar places of public access.
- (c) Information available on the department's website includes:
- (1) Public orders from [~~2006~~] **2009** onwards; and
 - (2) Current lists of New Hampshire chartered institutions[,] **and** licensees [~~and registrants~~].

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

- ~~(1) Hearings;~~
- ~~(2) PDIP meetings; and~~
- ~~(3) Proceedings.]~~

Readopt with amendment Ban 104.03 and Ban 104.04, effective 01-24-13 (Document #10258), to read as follows:

Ban 104.03 Requests for New Hampshire Banking Department Records.

- (a) Persons seeking department records shall request the information in a manner that would give the department notice of exactly what records the requestor is seeking.
- (b) A request for department records may be delivered to the department:
 - (1) In person;
 - (2) By U.S. mail or courier service to the department office; **or**
 - ~~[(3) By facsimile to 603-271-1090; or]~~
 - ~~[(4)]~~ **(3)** By email to [~~legal@banking.state.nh.us.~~] **legal@banking.nh.gov.**

Ban 104.04 Response to Request for Records.

- (a) The department shall respond to all requests for records as soon as practicable and in accordance with RSA 91-A.
- (b) When inspection of publicly available records is not immediately feasible, the requesting party and the department shall agree upon a mutually convenient time for such inspection.
- (c) By agreement between the requesting party and the department, copies shall be electronically sent to a valid email address provided by the requesting party.
- (d) If copies are requested, the requesting party [~~shall~~] **may** be charged a fee for the actual cost of the hard copies or electronic copies as assessed by the department.

APPENDIX

Rule	Specific State Statute the Rule Implements
Ban 101.01	RSA 541-A:16, I(a)
Ban 101.02	RSA 541-A:16, I(a); RSA 383:9, II
Ban 102.02	RSA 541-A:16, I(a); RSA 383:1
Ban 102.03	RSA 541-A:16, I(a)
Ban 103.01	RSA 541-A:16, I(a); RSA 383:1; and RSA 383:9
Ban 103.02	RSA 541-A:16, I(a); RSA 383:7-a; and RSA 383:9
Ban 103.03	RSA 541-A:16, I(a); RSA 383:7-a; and RSA 383:9
Ban 103.04	RSA 541-A:16, I(a); RSA 383:7-a; RSA 383:9
Ban 103.05	RSA 541-A:16, I(a); RSA 383:7-a; RSA 383:9
Ban 103.06	RSA 541-A:16, I(a); RSA 383:7-a; RSA 383:9
Ban 103.07	RSA 541-A:16, I(a); RSA 383:7-a; RSA 383:9
Ban 104.01	RSA 541-A:16, I(a)
Ban 104.02	RSA 541-A:16, I(a)
Ban 104.03	RSA 541-A:16, I(a)
Ban 104.04	RSA 541-A:16, I(a)