

By Mr. Travis of Rehoboth, petition of Philip Travis for legislation to further regulate bank deposits. Banks and Banking.

The Commonwealth of Massachusetts

In the Year One Thousand Nine Hundred and Ninety-Nine.

AN ACT REGULATING DEPOSITS IN BANKS.

*Be it enacted by the Senate and House of Representatives in General Court assembled, and by the authority of the same, as follows:*

1 Chapter 167D of the General Laws is hereby amended by  
2 striking out paragraph 1 of section 2, as appearing in the 1992  
3 Official Edition, and inserting in place thereof the following:—

4 1. To receive deposits as authorized by sections two to twelve,  
5 inclusive, and sections twenty-one and thirty-one and to receive  
6 demand, time and other types of deposits upon such terms and  
7 conditions as may be agreed upon between the depositor and the  
8 bank; provided, however, that a bank shall make available to any  
9 natural person eighteen years of age or under or sixty-five years of  
10 age or older a demand deposit account and a savings account  
11 which, in each instance, shall include a joint account in which the  
12 spouse of the eligible depositor, regardless of age, is the joint  
13 tenant therein or the joint tenant would otherwise be an eligible  
14 depositor, and which has been established and used for personal,  
15 family or household purposes, upon which no service, mainte-  
16 nance or other similar charge shall be imposed. Any such account  
17 shall not be subject to (i) a minimum balance requirement, (ii) a  
18 charge for any check, deposit or withdrawal, (iii) a fee for the ini-  
19 tial order or subsequent refills of the basic line of checks offered  
20 by the bank, which shall include the name of the depositor(s). For  
21 the purposes of this section, the term "savings account" shall  
22 include a regular passbook, statement savings or regular NOW  
23 account. The commissioner shall, by regulation, establish the pro-  
24 cedure whereby such persons may demonstrate eligibility and  
25 apply for such accounts.

26 A bank may, however, assess a fee for certain services in accor-  
27 dance with the bank's published service charge schedule which  
28 shall include stop payment orders, wire transfers, certified or bank  
29 checks, money orders, and deposit items returned, transactions at  
30 electronic branches and through other electronic devices, and  
31 services not directly associated with the deposit, withdrawal or  
32 transfer of funds from any such account as may be approved by  
33 the commissioner; and that said bank may assess a reasonable  
34 charge, as determined by the commissioner, against any such  
35 checking account when payment on any check drawn on such  
36 account has been refused because of insufficient funds.

37 A bank shall, in the manner prescribed by the commissioner,  
38 post in each of its banking offices a notice informing consumers  
39 of the availability of the banking services prescribed by this  
40 section.

41 No provision of law imposing liability for any violation of this  
42 paragraph shall apply to any act done or omitted in good faith in  
43 conformity with any rule, regulation or interpretation thereof by  
44 the commissioner notwithstanding that after such act or omission  
45 has occurred, such rule, regulation or interpretation has been  
46 amended, rescinded or determined by judicial or other authority to  
47 be invalid for any reason.