

17:9A-18

LEGISLATIVE HISTORY CHECKLIST
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(Banking--names)

NJSA: 17:9A-18

LAWS OF: 1997 **CHAPTER:** 370

BILL NO: S674

SPONSOR(S): Inverso and Lynch

DATE INTRODUCED: February 5, 1996

COMMITTEE: **ASSEMBLY:** Financial Institutions
SENATE: State Management

AMENDED DURING PASSAGE: Yes Amendments during passage denoted
First reprint enacted by superscrip numbers

DATE OF PASSAGE: **ASSEMBLY:** June 12, 1997
SENATE: May 16, 1996

DATE OF APPROVAL: January 19, 1998

FOLLOWING STATEMENTS ARE ATTACHED IF AVAILABLE:

SPONSOR STATEMENT: Yes

COMMITTEE STATEMENT: **ASSEMBLY:** Yes
SENATE: Yes

FISCAL NOTE: No

VE TO MESSAGE: No

MESSAGE ON SIGNING: No

FOLLOWING WERE PRINTED:

REPORTS: No

HEARINGS: No

KBP:pp

P.L. 1997, CHAPTER 370, *approved January 19, 1998*
Senate, No. 674 (*First Reprint*)

1 AN ACT concerning banking institution names and amending P.L.1948,
2 c.67.

3

4 BE IT ENACTED by the Senate and General Assembly of the State
5 of New Jersey:

6

7 1. Section 18 of P.L.1948, c.67 (C.17:9A-18) is amended to read
8 as follows:

9 18. A. The name of every bank shall contain the word "bank" or
10 "banking" or "trust," or a combination of the words "bank" or
11 "banking" and "trust," except that no bank which is not qualified to
12 exercise any of the powers specified in section 28 shall use the word
13 "trust" as part of its name. Any bank which, immediately prior to the
14 effective date of this act, lawfully used the word "savings" as part of
15 its name, may continue the use thereof, but no other bank shall
16 hereafter use such word as part of its name.

17 B. The name of every savings bank shall contain the words
18 "savings bank" or "savings fund society" or "savings institution" or
19 "institution for savings" or "bank for savings." Any savings bank
20 which, immediately prior to the effective date of this act, lawfully used
21 the word "trust" as part of its name, may continue the use thereof,
22 but no other savings bank shall hereafter use such word as part of its
23 name.

24 C. No bank or savings bank shall assume a name identical with that
25 of an existing banking institution, or so similar thereto that confusion
26 may result therefrom; except that, if a bank or savings bank is
27 organized to succeed another bank or savings bank pursuant to section
28 16, it may adopt the name of the bank or savings bank which it
29 succeeds.

30 D. No person, other than ¹[an entity permitted to do so by the
31 commissioner by rule or order,]¹ a banking institution or bank holding

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AFI committee amendments adopted October 7, 1996.

1 company, shall use the words "bank" or "banker" or "banking" or
2 "trust" or "savings" or any of them, as part of his or its name, or in
3 any representations describing his or its powers, services or functions,
4 except as otherwise permitted by law. A violation of the provisions of
5 this subsection shall be a misdemeanor, and the Superior Court shall
6 have jurisdiction to enjoin such violation at the suit of the
7 commissioner.

8 E. The provisions of subsection D of this section shall not apply to
9 any corporation or association formed for the purpose of promoting
10 the interests of banking institutions, the membership of which is
11 comprised of banking institutions, their officers or other
12 representatives; nor shall the said subsection apply to any partnership,
13 association, or corporation, which, on the effective date of this act,
14 lawfully used the words "bank," "banker," "banking," "trust," or
15 "savings," or any of them, as part of its name.

16 F. The provisions of subsection D of this section shall not prevent
17 the use of the word "savings" by a building and loan association or
18 a savings and loan association, or by a corporation or association
19 formed for the purpose of promoting the interests of building and loan
20 associations or savings and loan associations, the membership of
21 which is comprised of building and loan or savings and loan
22 associations, their officers or other representatives.

23 G. The provisions of subsection D of this section shall not prevent
24 the use of the word "trust" by a Real Estate Investment Trust as
25 defined in 26 U.S.C. §856.

26 (cf: P.L.1985, c.528, s.13)

27

28 2. This act shall take effect immediately.

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34 Permits use of certain banking institution terms by entities other than
banking institutions under certain circumstances.

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2 this subsection shall be a misdemeanor, and the Superior Court shall
3 have jurisdiction to enjoin such violation at the suit of the
4 commissioner.

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7 the interests of banking institutions, the membership of which is
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9 representatives; nor shall the said subsection apply to any partnership,
10 association, or corporation, which, on the effective date of this act,
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12 "savings," or any of them, as part of its name.

13 F. The provisions of subsection D of this section shall not prevent
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17 associations or savings and loan associations, the membership of
18 which is comprised of building and loan or savings and loan
19 associations, their officers or other representatives.

20 G. The provisions of subsection D of this section shall not prevent
21 the use of the word "trust" by a Real Estate Investment Trust as
22 defined in 26 U.S.C. §856.

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Permits use of certain banking institution terms by entities other than
banking institutions under certain circumstances.

[Passed Both Houses]

[First Reprint]

SENATE, No. 674

STATE OF NEW JERSEY

INTRODUCED FEBRUARY 5, 1996

By Senators **INVERSO** and **LYNCH**

1 AN ACT concerning banking institution names and amending P.L.1948,
2 c.67.

3

4 BE IT ENACTED *by the Senate and General Assembly of the State*
5 *of New Jersey:*

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7 1. Section 18 of P.L.1948, c.67 (C.17:9A-18) is amended to read
8 as follows:

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12 exercise any of the powers specified in section 28 shall use the word
13 "trust" as part of its name. Any bank which, immediately prior to the
14 effective date of this act, lawfully used the word "savings" as part of
15 its name, may continue the use thereof, but no other bank shall
16 hereafter use such word as part of its name.

17 B. The name of every savings bank shall contain the words
18 "savings bank" or "savings fund society" or "savings institution" or
19 "institution for savings" or "bank for savings." Any savings bank
20 which, immediately prior to the effective date of this act, lawfully used
21 the word "trust" as part of its name, may continue the use thereof,
22 but no other savings bank shall hereafter use such word as part of its
23 name.

24 C. No bank or savings bank shall assume a name identical with that
25 of an existing banking institution, or so similar thereto that confusion
26 may result therefrom; except that, if a bank or savings bank is
27 organized to succeed another bank or savings bank pursuant to section
28 16, it may adopt the name of the bank or savings bank which it

EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and is intended to be omitted in the law.

Matter underlined thus is new matter.

Matter enclosed in superscript numerals has been adopted as follows:

¹ Assembly AFI committee amendments adopted October 7, 1996.

1 succeeds.

2 D. No person, other than ¹[an entity permitted to do so by the
3 commissioner by rule or order.]¹ a banking institution or bank holding
4 company, shall use the words "bank" or "banker" or "banking" or
5 "trust" or "savings" or any of them, as part of his or its name, or in
6 any representations describing his or its powers, services or functions,
7 except as otherwise permitted by law. A violation of the provisions of
8 this subsection shall be a misdemeanor, and the Superior Court shall
9 have jurisdiction to enjoin such violation at the suit of the
10 commissioner.

11 E. The provisions of subsection D of this section shall not apply to
12 any corporation or association formed for the purpose of promoting
13 the interests of banking institutions, the membership of which is
14 comprised of banking institutions, their officers or other
15 representatives; nor shall the said subsection apply to any partnership,
16 association, or corporation, which, on the effective date of this act,
17 lawfully used the words "bank," "banker," "banking," "trust," or
18 "savings," or any of them, as part of its name.

19 F. The provisions of subsection D of this section shall not prevent
20 the use of the word "savings" by a building and loan association or
21 a savings and loan association, or by a corporation or association
22 formed for the purpose of promoting the interests of building and loan
23 associations or savings and loan associations, the membership of
24 which is comprised of building and loan or savings and loan
25 associations, their officers or other representatives.

26 G. The provisions of subsection D of this section shall not prevent
27 the use of the word "trust" by a Real Estate Investment Trust as
28 defined in 26 U.S.C. §856.

29 (cf: P.L.1985, c.528, s.13)

30

31 2. This act shall take effect immediately.

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37 Permits use of certain banking institution terms by entities other than
banking institutions under certain circumstances.

ASSEMBLY FINANCIAL INSTITUTIONS COMMITTEE

STATEMENT TO

SENATE, No. 674

with committee amendments

STATE OF NEW JERSEY

DATED: OCTOBER 7, 1996

The Assembly Financial Institutions Committee reports favorably and with committee amendments Senate Bill No. 674.

This bill would permit a Real Estate Investment Trust to use the term, "trust," in its name without first obtaining the permission of the commissioner.

The committee amended the bill to delete the provision permitting the Commission of Banking and Insurance to permit, by rule or order, an entity other than a banking institution to use certain terms in its name.

SENATE STATE MANAGEMENT, INVESTMENT AND
FINANCIAL INSTITUTIONS COMMITTEE

STATEMENT TO

SENATE, No. 674

STATE OF NEW JERSEY

DATED: MARCH 14, 1996

The Senate State Management, Investment and Financial Institutions Committee reports favorably Senate, No. 674.

This bill would provide the Commissioner of Banking authority to permit, by rule or order, an entity other than a banking institution to use certain terms in its name. In addition, it would permit a Real Estate Investment Trust to use the term, "trust," in its name without first obtaining the permission of the commissioner. Currently only banking institutions or bank holding companies may use the words "bank," "banker," "banking," "trust," or "savings" as part of its name.