

DEPARTMENT OF BANKING AND INSURANCE
DIVISION OF BANKING

Dedicated Funding
Depositories

Adopted Amendments: N.J.A.C. 3:1-2.3, 2.23, 2.24, 6.6, 6.7, 7.1, 7.2, 7.3, and 18.7; 3:6-8.2 and 17.2; 3:12-2.4; 3:13-1.2, 2.3, 2.4 and 5.3; 3:21-1.2 and 3.4; 3:32-3.3; and 3:35-1.5.

Adopted Repeals: N.J.A.C. 3:1-6.1, 6.2, 6.3, and 6.4; and 3:21-1.6.

Adopted: May 24, 2006 by Steven M. Goldman, Commissioner, Department of Banking and Insurance.

Authority: N.J.S.A. 17:1-8, 17:1-15e, and 17:1C-33 et seq.

Effective Date: June 19, 2006.

To view the formal Notice of Adoption filed with the Office of Administrative Law visit the [Department's Office of Legislative and Regulatory Affairs](#) and click on "[Adopted Rules](#)."

Full text of the amended rules as adopted follows:

3:1-2.3 Branch applications of depositories

- (a) An application by a depository to establish a branch office or a minibranch office

shall contain the following items before it will be accepted by the Department:

1. (No change.)

Recodify existing 3. - 6. as 2. - 5. (No change in text.)

(b) An application by a depository to relocate a principal office, full branch or minibranch office from a location in this State to another location in this State, shall contain the following items before it will be accepted by the Department:

1. (No change.)

Recodify existing 3. – 5. as 2. – 4. (No change in text.)

(c) An application by a depository to relocate a branch office or minibranch office from a location outside this State to another location in that state shall contain the following items before it will be accepted by the Department:

- 1. (No change.)
- 2. The required application filing fee;]

Recodify existing 3. – 5. as 2. – 4. (No change in text.)

(d) An application by a depository to interchange a branch office and a principal office shall contain the following items before it will be accepted by the Department:

- 1. (No change.)

Recodify existing 3. – 4. as 2. – 3. (No change in text.)

(e) – (i) (No change.)

3:1-2.23 Fees; banks and savings banks

(a) A bank or savings bank shall pay to the Commissioner for use of the State the following fees:

- 1. (No change.)
- 2. For filing plans of acquisition, per company,
per bank or savings bank; the fee is charged
if the requester is not subject to assessment
pursuant to N.J.A.C. 3:5 but no fee shall be
charged if the requestor is subject to
assessment \$3,000

- 3. For the issuance of a certified copy of any certificate of incorporation or merger or plan of reorganization or any other certificate or affidavit filed in the Department, plus \$2.00 per page if the requester is not subject to assessment pursuant to N.J.A.C. 3:5 but no fee shall be charged if the requester is subject to assessment \$25.00

- 4. For the issuance of any other approval by the Commissioner, plus per diem charges where applicable; the fee is charged if the requester is not subject to assessment pursuant to N.J.A.C. 3:5 but no fee shall be charged if the requestor is subject to assessment \$100.00

(b) An out-of-State bank shall pay to the Commissioner for use of the State the following fees:

- 1. (No change.)

- 2. For filing an application for approval of a change of location of a New Jersey branch office as a part of an application to enter the State through acquisition \$100

- 3. (No change.)

(c) (No change.)

(d) The Department shall, upon written request, furnish verification of a State-chartered bank, savings bank or savings and loan's authority to conduct business in New Jersey. The fee shall be \$25.00 per verification if the requester is not subject to assessment pursuant to N.J.A.C. 3:5 but no fee shall be charged if the requester is subject to assessment.

3:1-2.24 Fees, State associations

(a) Every State association shall pay to the Commissioner the following fees:

1.-2. (No change.)

3.. Certification by the Commissioner of papers or records on file with the Department, plus \$2.00 per page for each certification if the requester is not subject to assessment pursuant to N.J.A.C. 3:5 but no fee shall be charged if the requester is subject to assessment \$25.00

(b) Each out-of-State association shall pay to the Commissioner the following fees:

1. For filing an application to acquire a branch, if the branch would be the out-of-State association's first branch in this State \$1,500

2. For filing an application for approval of a change of location of a New Jersey branch office as part of an application to open, occupy or maintain a branch \$100.00

3. (No change in text.)

(c) (No change.)

3:1-6.6 Examination charge and per diem rate

(a) The individual per hour per person examination charge for an examination of a person not assessed under N.J.A.C. 3:5 shall be \$42.00, plus \$15.00 per day for travel expenses for in-State travel. This examination charge is also referred to as the per diem rate. The fee for out-of-State travel shall approximate the cost of this travel.

(b) The Department shall bill examination charges in increments of one-half hour.

3:1-6.7 Failure to pay fees or examination charges

(a) If a person pays an examination charge, application fee, or any other fee or charge with a check which is returned for insufficient funds or is not paid for any other reason, the Department shall advise the person by letter. The person shall have 20 days from the date of such letter to provide the Department with a certified or cashier's check payable to the Treasurer, State of New Jersey for the amount of the dishonored check plus \$10.00. If the Department does not receive a certified or cashier's check within 20 days of the date of this letter, the Department shall suspend the license of the person or the authority of the person to conduct business in this State until payment by certified or cashier's check is received. .

(b) If a person fails to pay an examination charge within 30 days after the bill is sent, the Department shall send a second billing. The person shall have 20 days from the date of such letter to provide the Department with payment of the fee. If the person fails to provide such

payment within 20 days, the Department shall suspend the license of the person or the authority of the person to conduct business in this State until payment is received.

(c) Prior to a suspension set forth in (a) or (b) above, the person may request a hearing pursuant to the Administrative Procedure Act, N.J.S.A. 52:14B-1 et seq. and the Uniform Administrative Procedure Rules, N.J.A.C. 1:1. The person shall place the disputed amount in escrow pending disposition of the hearing and shall provide proof of same to the Department.

SUBCHAPTER 7. MISCELLANEOUS

3:1-7.1 Name change

A licensee who makes any change in name shall, within 10 days of such change, submit written proof of the name change to the Commissioner, and shall surrender its license or licenses for issuance of a new license or licenses reflecting the change. The licensee shall submit evidence of the name change in the form of a copy of the amended certificate of incorporation, alternate name registration, or amended certificate of authority bearing the dated filing stamp of the Department of Treasury, Division of Revenue or a copy of the trade name certificate filed with the office of the county clerk of the county in which the business is located. Within 30 days of receipt of the notice of name change, and all documentation necessary to effectuate the change, the Commissioner shall issue a new license that reflects the change. While the licensee is awaiting the issuance of the license, the licensee may continue in business, provided that all documents are supplied, unless the licensee receives a notice of suspension or revocation, or unless the licensing period, if any, expires.

3:1-7.2 Duplicate licenses and certificates

(a) - (b) (No change.)

3:1-7.3 Requests for certificate of standing, licensee verification, licensing statutes and licensee listings

(a) The Department shall furnish, upon written request, a certificate of standing with seal for a licensee. The fee shall be \$30.00 per certificate if the requester is not subject to assessment pursuant to N.J.A.C. 3:5 but no fee shall be charged if the requester is subject to assessment.

(b) The Department shall furnish upon written request a licensee verification, indicating if a person or entity is licensed and its main office. The fee shall be \$10.00 per verification if the requester is not subject to assessment pursuant to N.J.A.C. 3:5 but no fee shall be charged if the requester is subject to assessment.

(c) (No change.)

SUBCHAPTER 18. FOREIGN BANK AND ASSOCIATIONS; REGISTRATION OF SERVICE FACILITIES

3:1-18.7 Examination of service facilities

(a) (No change.)

(b) The cost for the examination of a service facility shall be paid by the foreign financial institution and shall be billed at the Department's per diem rate (see: N.J.A.C. 3:1-6.6).

CHAPTER 6

GENERAL PROVISIONS

SUBCHAPTER 8. CONVERSIONS OF SAVINGS BANK CHARTERS

3:6-8.2 Application for conversation

(a) An application for a conversion from a savings bank to an association or bank shall contain the following:

1. - 7. (No change.)

8. A business plan for three years; and

9. Copies of all applications for Federal regulatory approval and all approvals required in connection with the conversion, or, if no application or approval is required, a statement or opinion of counsel to that effect.

(b) (No change.)

SUBCHAPTER 17. CONVERSIONS OF BANK CHARTERS

3:6-17.2 Application for conversion

(a) An application for a conversion from a bank to a capital stock savings bank shall contain the following:

1. - 7. (No change.)

8. A business plan for the capital stock savings bank for three years; and

9. Copies of all applications for Federal regulatory approval and all approvals required in connection with the conversion, or, if no application or approval is required, a statement or opinion of counsel to that effect.

(b) (No change.)

CHAPTER 12

REGISTRAR AND TRANSFER AGENTS

3:12-2.4 Filing of annual report

(a) As of April 1 of each year, each qualified corporation shall file an annual report on a form approved by the Commissioner containing the following:

1. – 7. (No change.)

(b) (No change.)

CHAPTER 13

BANK HOLDING COMPANIES

3:13-1.2 Application

(a) An application, except as provided in (e) below, to acquire a New Jersey bank or New Jersey bank holding company shall contain the following information on a form provided by the Department:

1. – 5. (No change.)

6. An application fee of \$1,000 if the requester is not subject to assessment pursuant to N.J.A.C. 3:5 but no fee shall be charged if the requester is subject to assessment.

(b) – (e) (No change.)

3:13-2.3 Reporting for bank holding companies

(a) Each bank holding company or person that controls a New Jersey bank or a New Jersey bank holding company which is required to file with the Federal Reserve System form FR Y-9C entitled “Consolidated Financial Statements for Bank Holding Companies with total

consolidated assets of \$150,000,000 or more or with more than one subsidiary bank,” shall concurrently file a copy of its June 30 and December 31 report with the Commissioner.

(b) Each bank holding company or person that controls a New Jersey bank or a New Jersey bank holding company which is required to file with the Federal Reserve System form FR Y-9LP entitled “Parent Company Only Financial Statements for Bank Holding Companies with total consolidated assets of \$150,000,000 or more or with more than one subsidiary bank,” shall concurrently file a copy of its June 30 and December 31 report with the Commissioner.

(c) Each bank holding company or person that controls a New Jersey bank or a New Jersey bank holding company which is required to file with the Federal Reserve System form FR Y-9SP entitled “Parent Company Only Financial Statements for One Bank Holding Companies” with total consolidated assets of \$150,000,000” shall concurrently file a copy of this report with the Commissioner.

(d) Each bank holding company or person that controls a New Jersey bank or a New Jersey bank holding company which is required to file with the Federal Reserve System form FR Y-6 entitled “Annual Report for Bank Holding Companies” shall concurrently file a copy of this report with the Commissioner. The copy of FR Y-6 filed with the Commissioner shall include the required copy of the bank holding company’s annual report to shareholders or the required copy of form 10K to the Securities and Exchange Commission.

(e) Each bank holding company or person that controls a New Jersey bank or a New Jersey bank holding company which is required to file with the Federal Reserve System form FR Y-6A entitled “Bank Holding Company Report Changes in Investments or Activities” shall concurrently file a copy of this report with the Commissioner.

(f) Each bank holding company or person that controls a New Jersey bank or a New Jersey bank holding company which is required to file with the Federal Reserve System form FR Y-111 entitled “Annual Report of Selected Financial Data for Non-Bank Subsidiaries of Bank Holding Companies” shall concurrently file a copy of this report with the Commissioner.

(g) Each bank holding company or person that controls a New Jersey bank or a New Jersey bank holding company which is required to file with the Federal Reserve System form FR Y-11Q entitled “Combined Federal Statement of Non-Bank Subsidiaries of Bank Holding Companies” shall concurrently file a copy of its June 30 and December 31 report with the Commissioner.

(h) Each bank holding company or person that controls a New Jersey bank or a New Jersey bank holding company which is required to file with the Federal Reserve System form FR Y-11AS entitled “Annual Supplement to the Combined Financial Statements of Non-Bank Subsidiaries of Bank Holding Companies” shall concurrently file a copy of this report with the Commissioner.

(i) Each bank holding company or person that controls a New Jersey bank or a New Jersey bank holding company which is not required to file with the Federal Reserve System shall:

1. (No change.)
2. If the bank holding companies or person that controls a New Jersey bank or a New Jersey bank holding company is not required to file a form 10K with the Securities and exchange Commission, the bank holding company shall annually, on or before April 30 of each year, file with the Commissioner the following information:

- i. – v. (No change.)

vi. A statement of assets and liabilities of the company for each of the five preceding fiscal years, together with related statements of income and sources and applications of funds for each of those fiscal years..

3:13-2.4 Reporting for persons other than bank holding companies

(a) Each person who controls a New Jersey bank or New Jersey bank holding company that does not file a report with any other bank supervisory agency shall annually file with the Commissioner, on or before April 1 of each year, the following information on forms provided by the Department:

1. – 2. (No change.)

3. A description of pending legal or administrative proceedings in which the person is a party and any criminal indictment or conviction of the individual issued by a state or federal court; and

4. A statement of assets and liabilities of the person for each of the five preceding fiscal years, together with related statements of income and sources and applications of funds for each of those fiscal years.

SUBCHAPTER 5. MUTUAL SAVINGS BANK HOLDING COMPANIES

3:13-5.3 Application

(a) The board of directors of an organizing mutual savings bank may apply to form a mutual savings bank holding company by submitting the following to the Commissioner:

1. – 6. (No change.)

7. A business plan for the mutual savings bank holding company and subsidiary capital stock savings bank; and
8. A copy of any applications for establishment of a mutual savings bank holding company filed with any Federal regulator.

(b) - (d) (No change.)

CHAPTER 21

CREDIT UNIONS

3:21-1.2 Application for designation as a low-income credit union

(a) (No change.)

(b) An applicant shall submit the following to the Department:

1. - 2. (No change.)

3. An application fee of \$50.00 if the applicant is an existing credit union seeking designation, but no fee other than an incorporation application fee of \$50.00 shall be charged to a credit union seeking designation as a part of its incorporation application; and

4. (No change.)

(c) (No change.)

3:21-3.4 Content of branch applications of credit unions

(a) An application by a New Jersey State chartered credit union to establish a branch office shall contain:

1. (No change.)

[2. A filing fee of \$25.00;]

Recodify existing 3. - 6 as 2. - 5. (No change in text.)

(b) – (c) (No change.)

CHAPTER 32

CONVERSIONS OF ASSOCIATIONS

SUBCHAPTER 3. MUTUAL STATE ASSOCIATION HOLDING COMPANIES

3:32-3.3 Application

(a) The board of directors of an organizing mutual state association may apply to form a mutual state association holding company by submitting the following to the Commissioner:

1. - 4. (No change.)

5. Proposed by-laws of the surviving subsidiary capital stock state association and mutual state association holding company; and

6. A copy of any applications for establishment of a mutual state association holding company filed with any Federal regulator.

(b) - (d) (No change.)

CHAPTER 35

QUALIFIED EDUCATIONAL INSTITUTIONS

3:35-1.5 Filing of annual report

(a) On or before April 1 of each year, each qualified institution shall file an annual report on a form approved by the Commissioner containing the following:

1. - 5. (No change.)

(b) (No change.)