

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1608

Session of
1995

INTRODUCED BY CURRY, TRELLO, HALUSKA, PISTELLA, KING, CORRIGAN,
BELFANTI, KREBS, BUNT, MCGEEHAN, MELIO, VEON, GIGLIOTTI,
TIGUE AND D. R. WRIGHT, MAY 10, 1995

REFERRED TO COMMITTEE ON COMMERCE AND ECONOMIC DEVELOPMENT,
MAY 10, 1995

AN ACT

1 Providing for certain regulations of private safe deposit box
2 facilities, for additional powers and duties of the
3 Department of Banking, for enforcement and for penalties.

4 The General Assembly of the Commonwealth of Pennsylvania
5 hereby enacts as follows:

6 Section 1. Short title.

7 This act shall be known and may be cited as the Private Safe
8 Deposit Box Law.

9 Section 2. Definitions.

10 The following words and phrases when used in this act shall
11 have the meanings given to them in this section unless the
12 context clearly indicates otherwise:

13 "Department." The Department of Banking of the Commonwealth.

14 "Owner." The owner or operator of a private safe deposit box
15 facility.

16 "Private safe deposit box facility" or "facility." A
17 facility offering safe deposit box services to the general

1 public. The term excludes safe deposit box facilities and
2 services offered by institutions operating under the banking
3 laws of this Commonwealth.

4 "Security agency." A private security agency or detective
5 agency which stores or transports cash or other valuables in the
6 ordinary course of its business.

7 "Unwilling or unable." The term includes, but is not limited
8 to, inability by reason of insolvency or bankruptcy.

9 Section 3. Contract required.

10 As a condition of doing business in this Commonwealth, the
11 owner of a private safe deposit box facility must maintain a
12 contract with a security agency which provides for the operation
13 of the facility for the benefit of its customers by the security
14 agency in the event that the owner is unwilling or unable to
15 operate the facility.

16 Section 4. Terms of contract.

17 The contract described in section 3 shall contain the
18 following:

19 (1) An agreement by the security agency to operate the
20 facility in a manner convenient for its customers for a
21 period of up to one year.

22 (2) A procedure for the notification of the security
23 agency of the unwillingness or inability of the owner to
24 operate the facility. This notice may be given by the owner
25 or a customer of the facility.

26 (3) A procedure for the notification of all customers of
27 facilities of the provisions of this act and of their right
28 to give the notice described in paragraph (2). This
29 notification of facility customers shall include the identity
30 and telephone number of the respective security agency under

1 contract with the owner of the particular facility.

2 Section 5. Authority of department.

3 (a) Application.--An application for permission to operate a
4 facility in this Commonwealth shall be submitted by the facility
5 owner to the department. This application shall include evidence
6 satisfactory to the department that the contract required by
7 this act is or will be maintained by the owner at the
8 commencement of facility operation.

9 (b) Power to inspect, etc.--The department shall have the
10 power to demand at any time evidence that the contract required
11 to be maintained under this act is being maintained by a
12 facility operator. The department may at any time enter and
13 inspect the premises of any facility and inspect and copy all of
14 the books, papers and records of the owner relating to the
15 facility.

16 (c) Approval of security agencies.--The department shall
17 have the power to approve or disapprove a security agency, based
18 on the agency's work force or asset level in relation to the
19 facility for which it proposes to contract.

20 Section 6. Enforcement.

21 (a) Failure to maintain contract.--Failure to maintain the
22 contract required under this act shall make a facility operator
23 subject to a civil penalty of up to \$1,000 for each day of
24 violation.

25 (b) Fraudulent application.--A fraudulent application
26 submitted under section 5(a) or interference with agents of the
27 department carrying out duties under section 5(b) constitutes a
28 misdemeanor of the third degree.

29 (c) Other violation.--Any other violation of this act
30 constitutes a summary offense punishable by a fine of \$100 for

1 each violation.

2 Section 7. Seizure of facility.

3 The department may, for good cause, seize and operate any
4 facility for the benefit of its customers at any time.

5 Section 8. Rights preserved.

6 Nothing in this act shall be deemed to affect or impair the
7 right of any customer of a facility to pursue any lawful cause
8 of action against a facility owner for any damages sustained due
9 to a failure of the owner to operate the facility.

10 Section 9. Rules and regulations.

11 The department shall promulgate the rules and regulations
12 necessary to carry out this act.

13 Section 10. Effective date.

14 This act shall take effect in 60 days.