

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1656 Session of 2009

INTRODUCED BY DALEY AND ROSS, JUNE 10, 2009

REFERRED TO COMMITTEE ON COMMERCE, JUNE 10, 2009

AN ACT

1 Amending the act of May 15, 1933 (P.L.565, No.111), entitled "An
2 act relating to the powers and duties of the Department of
3 Banking and the Secretary of Banking in exercising
4 supervision over, and taking possession of and conducting or
5 liquidating the business and property of, corporations,
6 associations, and persons receiving deposits or otherwise
7 transacting a banking business, corporations acting as
8 fiduciaries, and building and loan associations; providing
9 for the payment of the expenses of the Department of Banking
10 by supervised corporations, associations, or persons, and
11 appropriating the Banking Department Fund; authorizing the
12 Department of Banking, under certain circumstances, to
13 examine corporations, associations, or persons affiliated, or
14 having business transactions with supervised corporations,
15 associations or persons; authorizing appeals to the Supreme
16 Court, and prescribing and limiting the powers and duties of
17 certain other courts and their prothonotaries, registers of
18 wills, recorders of deeds, and certain State departments,
19 commissions, and officers; authorizing certain local public
20 officers and State departments to collect fees for services
21 rendered under this act; providing penalties; and repealing
22 certain acts and parts of acts," further providing for
23 administration and for employee protection.

24 The General Assembly of the Commonwealth of Pennsylvania
25 hereby enacts as follows:

26 Section 1. Section 202 of the act of May 15, 1933 (P.L.565,
27 No.111), known as the Department of Banking Code, amended
28 December 9, 2002 (P.L.1604, No.209) and July 8, 2008 (P.L.827,
29 No.58), is amended to read:

1 Section 202. General Scope of Supervision; Exercise of
2 Discretion.--A. In addition to the powers and duties provided
3 for in this act, the department shall exercise any power and
4 fulfill any duty imposed upon it by any other law of this
5 Commonwealth. Except where otherwise specifically provided, the
6 department shall enforce and administer all laws of this
7 Commonwealth which relate to any institution, and shall exercise
8 such general supervision over institutions as will afford the
9 greatest possible safety to depositors, other creditors, and
10 shareholders thereof, ensure the safe and sound conduct of the
11 business of such institutions, conserve their assets, maintain
12 the public confidence in such institutions and protect the
13 public interest.

14 B. Whenever under this act, discretion is vested in the
15 department or any board thereof as to whether, or the manner in
16 which, to exercise a power or fulfill a duty, the department
17 shall, after such examination or investigation as it shall deem
18 appropriate under the circumstances, exercise such discretion in
19 such a manner as it shall deem necessary to ensure the safe and
20 sound conduct of the business of any institution subject to its
21 supervision, conserve its assets, maintain public confidence in
22 the business of such institutions and protect the public
23 interest and the interest of depositors, other creditors and
24 shareholders thereof.

25 C. The department may promulgate such rules and regulations
26 necessary and appropriate to administer this act. In those
27 instances in which the department is granted the power to
28 regulate a matter under this or any other act and that grant of
29 power requires the department to further define its duties under
30 that act, the department shall do so expeditiously and with

1 concern for both the regulated entities and the consumers that
2 the act intends to protect.

3 D. The department may issue statements of policy and
4 interpretive letters necessary and appropriate to administer
5 this act or any other statute within the department's
6 jurisdiction to administer or enforce.

7 E. Notwithstanding any other law or provision of this act,
8 the department may require licensees to use and to pay
9 processing fees for using a national electronic licensing system
10 in order to apply for or renew licenses issued pursuant to any
11 statute within the jurisdiction of the department to enforce.
12 Notwithstanding any other law, the department may modify, by
13 publication of a notice in the Pennsylvania Bulletin, license
14 renewal and reporting dates for any licensees subject to this
15 subsection that are inconsistent with the use of a national
16 electronic licensing system. The department is not authorized to
17 require a person or corporation which would otherwise be totally
18 exempt from licensure pursuant to any statute under the
19 department's jurisdiction to submit information to or
20 participate in any national electronic licensing system.

21 Section 2. Section 1104 of the act, added December 9, 2002
22 (P.L.1604, No.209), is amended to read:

23 Section 1104. Protection of Employees.--A. No licensee may
24 discharge, threaten or otherwise discriminate or retaliate
25 against an employe regarding the employe's compensation, terms,
26 conditions, location or privileges of employment because the
27 employe or a person acting on behalf of the employe makes a good
28 faith report or is about to report, verbally or in writing, to
29 the employer or appropriate authority a violation of [this act]
30 law.

1 B. No licensee may discharge, threaten or otherwise
2 discriminate or retaliate against an employe regarding the
3 employe's compensation, terms, conditions, location or
4 privileges of employment because the employe is requested by an
5 appropriate authority to participate in an investigation,
6 hearing or inquiry held by an appropriate authority or in a
7 court action relating to a violation of [this act] law.

8 C. A licensee may not bring a cause of action against an
9 employe for damages arising out of:

10 (1) a report under subsection A; or

11 (2) participation under subsection B.

12 Section 3. This act shall take effect in 60 days.