

# SENATE BILL No. 772

August 26, 2009, Introduced by Senator KAHN and referred to the Committee on Banking and Financial Institutions.

A bill to amend 1999 PA 276, entitled  
"Banking code of 1999,"  
by amending section 4101 (MCL 487.14101).

## THE PEOPLE OF THE STATE OF MICHIGAN ENACT:

1       Sec. 4101. (1) Subject to the limitations and restrictions  
2       contained in this act or in a bank's articles, the bank may engage  
3       in the business of banking and a business related or incidental to  
4       banking, and for that purpose, without specific mention in its  
5       articles, shall have and exercise the powers and means appropriate  
6       to effect the purpose for which the bank is incorporated, powers  
7       conferred by former 1969 PA 319 and by this act, and the following  
8       corporate powers:

9       (a) To make contracts.

1 (b) To sue and be sued, complain, and defend in its corporate  
2 name as fully as a natural person.

3 (c) To make, alter, amend, and repeal bylaws not inconsistent  
4 with its articles or with law for the administration and regulation  
5 of the affairs of the bank.

6 (d) To enter into agency relationships with affiliated  
7 depository institutions. A bank or an affiliated depository  
8 institution in its capacity as an agent under this subdivision may  
9 do any or all of the following:

10 (i) Receive deposits.

11 (ii) Permit withdrawals of deposits.

12 (iii) Renew time deposits.

13 (iv) Close loans.

14 (v) Service loans.

15 (vi) Receive loan payments.

16 (vii) Engage in any activity specifically authorized by this  
17 act or by order or declaratory ruling of the commissioner.

18 (e) To contract, upon 30 days' advance written notice to the  
19 commissioner, unless the commissioner objects in writing within 30  
20 days after receipt of the written notice, with a person for the  
21 person to act as an agent of the bank in an agency office and  
22 engage in any of the activities set forth in section 4109.

23 (2) A bank has and may exercise the following additional  
24 powers:

25 (a) As authorized by order or declaratory ruling of the  
26 commissioner, to exercise at a branch such additional powers  
27 consistent with the safe and sound conduct of the business of

1 banking as are granted by the laws of the state, territory,  
2 protectorate, or foreign country where the branch is located.

3 (b) As authorized by order or declaratory ruling of the  
4 commissioner, to exercise further powers consistent with the safe  
5 and sound conduct of the business of banking or of a business  
6 related or incidental to banking as are granted by the laws of the  
7 United States or of any state or political subdivision of the  
8 United States to financial service providers.

9 (c) To own and operate a messenger service or to own or invest  
10 in an entity that operates a messenger service.

11 (d) To engage in any aspect of the insurance and surety  
12 business as an agent, broker, solicitor, or insurance counselor as  
13 provided under the insurance code of 1956, 1956 PA 218, MCL 500.100  
14 to 500.8302, and to own an insurance agency in whole or in part as  
15 provided under that act.

16 (e) To provide brokerage services for the offer, sale, or  
17 purchase of a security or commodity contract.

18 (3) In addition **TO THE POWERS DESCRIBED IN THIS SECTION**, a  
19 bank has the powers granted by order or declaratory ruling of the  
20 commissioner.

21 (4) **A BANK SHALL NOT CHARGE AN ACCOUNT HOLDER ANY FEES THAT**  
22 **ARE BASED ON ACCOUNT INACTIVITY.**