

## BUREAU OF BANKING

Department of Professional and Financial Regulation

State of Maine

April 22, 2002

### Bulletin #72 Deposit Account Disclosures

To the Chief Executive Officer Addressed:

On July 1, 1981, The Bureau of Financial Institutions (formerly the Bureau of Banking) first promulgated Chapter 118 (Regulation 18) governing advance disclosure of deposit account charges. Regulation 18 has been amended several times since its promulgation, most recently in 1993 to incorporate changes in federal law required by the passage of the Truth in Savings Act of 1991 and Federal Reserve Board, Regulation DD. The amended Chapter 118 (Regulation 18), effective April 15, 2002, also includes additional regulatory changes at the federal level for both financial institutions and credit unions that have occurred since the regulation was last amended in 1993.

The 2002 revisions to Chapter 118 (Regulation 18) contain a number of provisions that incorporate changes of federal and state law, acknowledge electronic communication of customer information, and provide symmetry of process for all financial institutions and credit unions. Your attention is drawn to the major changes incorporated into Regulation 18 as follows:

- The definition of "schedule of account charges" has been clarified to specifically exclude a listing of fees for ancillary services such as safe deposit boxes, traveler's checks, night deposit bags, check printing fees, fax fees, photocopies or similar charges not directly related to the maintenance or operation of a deposit or share account. (See Section III. J.)
- Funds availability policy disclosures are no longer required for either certificates of deposit or share certificates as defined in Section III of the regulation (See Section IV.A. (1))
- Written disclosures using electronic communication are specifically addressed. (See Section IV. B(3)) When providing disclosures via electronic communication, financial institutions and credit unions must:
  - disclose the requirements for accessing and retaining disclosures in electronic format;
  - require the account holder to demonstrate an ability to access the information electronically and affirmatively consent to electronic delivery of disclosures; and

- provide a description of procedures the account holder must use to withdraw consent to electronic delivery of disclosures and of any conditions, consequences or fees in the event of such withdrawal of consent.

The requirement that financial institutions and credit unions forward schedules of new or increased deposit account charges to the Bureau at least 30 days in advance has been eliminated. In its place, the regulation requires financial institutions and credit unions to retain evidence of compliance with the regulation for a minimum of two years after the disclosures are required or required action is taken or until two years after the date of the next examination, whichever is longer. (See Section IV. B. (7))

The prohibition against assessing both a deposit or share account charge and a service charge for maintaining an inactive account pursuant to Regulation 12 has been removed because Regulation 12 has been repealed. Financial institutions and credit unions should refer to Bulletin #67 for proper guidance on procedures regarding inactive account service charges.

The Model Language contained in the Complaint Resolution Process has been amended to incorporate a link to the Bureau of Financial Institution's Internet web-site to facilitate the process for filing a complaint with the Bureau via electronic mail. (See Section IV. D.)

/s/ Howard R. Gray, Jr.  
Superintendent

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