

COMMERCE

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SENATE FILE  
BY JENSEN and FIEGEN

Passed Senate, Date \_\_\_\_\_ Passed House, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

A BILL FOR

1 An Act relating to obtaining records and copies of records from  
2 banks, credit unions, savings and loan associations, regulated  
3 loan companies, industrial loan companies, and persons who  
4 supply consumer credit, operating in Iowa.

5 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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SF 472  
COMMERCE

1 Section 1. NEW SECTION. 524.218A PRODUCTION OF RECORDS.

2 1. A state bank shall provide a reasonable number of  
3 copies of any record in the custody of the state bank,  
4 relating to a borrower or customer, upon the request of the  
5 borrower or customer, the authorized agent or trustee of the  
6 borrower or customer, or a person who holds a power of  
7 attorney granted by the borrower or customer, upon the payment  
8 of a fee, within ten business days of the request. The state  
9 bank may extend the time for response for one additional ten-  
10 day period, if the state bank informs the person making the  
11 request, in writing, of the need for the additional time and  
12 the date by which the records or copies will be available.  
13 The superintendent shall provide by rule for sanctions for  
14 noncompliance.

15 2. The fee for the copying service as determined by the  
16 state bank shall not exceed the cost of providing the service,  
17 including labor expended to locate the record and perform the  
18 copying, and shall be at a rate usual and customary for  
19 performing work of a clerical nature. The commissioner may  
20 establish a maximum copying service charge by rule.

21 3. As used in this section, "records" includes but is not  
22 limited to statements of account, applications for credit,  
23 loan documents, mortgages or other evidence of indebtedness,  
24 alternative mortgages regulated under chapter 528, letters of  
25 credit, certificates of deposit, and descriptions of stock or  
26 other items of value held for collateral, whether in the  
27 possession of the bank or in the possession of the borrower.  
28 "Records" does not include any electronic personal identifier  
29 issued to the borrower or customer by the state bank for  
30 access or security purposes.

31 4. If the state bank has possession of an abstract of  
32 title for real estate, the abstract shall be maintained in a  
33 location from which the abstract can be recalled within ten  
34 business days of a request submitted by a person as provided  
35 in subsection 1.

1 Sec. 2. Section 524.1204, Code 2001, is amended by adding  
2 the following new unnumbered paragraph:

3 NEW UNNUMBERED PARAGRAPH. National banks doing business in  
4 this state shall comply with the production of records  
5 requirements in section 524.218A.

6 Sec. 3. NEW SECTION. 533.40 PRODUCTION OF RECORDS.

7 1. A credit union regulated under this chapter and doing  
8 business in this state, including a federal credit union,  
9 shall provide a reasonable number of copies of any record in  
10 the custody of the credit union, relating to a borrower or  
11 customer, upon the request of the borrower or customer, the  
12 authorized agent or trustee of the borrower or customer, a  
13 person who holds a power of attorney granted by the borrower  
14 or customer, or a person authorized by a state or federal  
15 court, upon the payment of a fee, within ten business days of  
16 the request. The credit union may extend the time for  
17 response for one additional ten-day period, if the credit  
18 union informs the person making the request, in writing, of  
19 the need for the additional time and the date by which the  
20 records or copies will be available. The superintendent shall  
21 provide by rule for sanctions for noncompliance.

22 2. The fee for the copying service as determined by the  
23 credit union shall not exceed the cost of providing the  
24 service, including labor expended to locate the record and  
25 perform the copying, and shall be at a rate usual and  
26 customary for performing work of a clerical nature. The  
27 commissioner may establish a maximum charge by rule.

28 3. As used in this section, "records" includes but is not  
29 limited to statements of account, applications for credit,  
30 loan documents, mortgages or other evidence of indebtedness,  
31 alternative mortgages regulated under chapter 528, letters of  
32 credit, certificates of deposit, and descriptions of stock or  
33 other items of value held for collateral, whether in the  
34 possession of the credit union or in the possession of the  
35 borrower. "Records" does not include any electronic personal

1 identifier issued to the borrower or customer by the credit  
2 union for access or security purposes.

3 4. If the credit union has possession of an abstract of  
4 title for real estate, the abstract shall be maintained in a  
5 location from which the abstract can be recalled within ten  
6 business days of a request submitted by a person as provided  
7 in subsection 1.

8 Sec. 4. NEW SECTION. 534.410 PRODUCTION OF RECORDS.

9 1. An association doing business in this state, including  
10 a federal savings and loan association incorporated under the  
11 Home Owners' Loan Act of 1933, 12 U.S.C. § 1461-1468, as  
12 amended, shall provide a reasonable number of copies of any  
13 record in the custody of the association, relating to a  
14 borrower or customer, upon the request of the borrower or  
15 customer, the authorized agent or trustee of the borrower or  
16 customer, a person who holds a power of attorney granted by  
17 the borrower or customer, or a person authorized by a state or  
18 federal court, upon the payment of a fee, within ten business  
19 days of the request. The association may extend the time for  
20 response for one additional ten-day period, if the association  
21 informs the person making the request, in writing, of the need  
22 for the additional time and the date by which the records or  
23 copies will be available. The superintendent shall provide by  
24 rule for sanctions for noncompliance.

25 2. The fee for the copying service as determined by the  
26 association shall not exceed the cost of providing the  
27 service, including labor expended to locate the record and  
28 perform the copying, and shall be at a rate usual and  
29 customary for performing work of a clerical nature, and the  
30 commissioner may establish a maximum charge by rule.

31 3. As used in this section, "records" includes but is not  
32 limited to statements of account, applications for credit,  
33 loan documents, mortgages or other evidence of indebtedness,  
34 alternative mortgages regulated under chapter 528, letters of  
35 credit, certificates of deposit, and descriptions of stock or

1 other items of value held for collateral, whether in the  
2 possession of the association or in the possession of the  
3 borrower. "Records" does not include any electronic personal  
4 identifier issued to the borrower or customer by the  
5 association for access or security purposes.

6 4. If the association has possession of an abstract of  
7 title for real estate, the abstract shall be maintained in a  
8 location from which the abstract can be recalled within ten  
9 business days of a request submitted by a person as provided  
10 in subsection 1.

11 Sec. 5. NEW SECTION. 536.17 PRODUCTION OF RECORDS.

12 1. A licensee doing business in this state shall provide a  
13 reasonable number of copies of any record in the custody of  
14 the licensee, relating to a borrower or customer, upon the  
15 request of the borrower or customer, the authorized agent or  
16 trustee of the borrower or customer, a person who holds a  
17 power of attorney granted by the borrower or customer, or a  
18 person authorized by a state or federal court, upon the  
19 payment of a fee, within ten business days of the request.  
20 The licensee may extend the time for response for one  
21 additional ten-day period, if the licensee informs the person  
22 making the request, in writing, of the need for the additional  
23 time and the date by which the records or copies will be  
24 available. The superintendent shall provide by rule for  
25 sanctions for noncompliance.

26 2. The fee for the copying service as determined by the  
27 licensee shall not exceed the cost of providing the service,  
28 including labor expended to locate the record and perform the  
29 copying, and shall be at a rate usual and customary for  
30 performing work of a clerical nature, and the commissioner may  
31 establish a maximum charge by rule.

32 3. As used in this section, "records" includes but is not  
33 limited to statements of account, applications for credit,  
34 loan documents, mortgages or other evidence of indebtedness,  
35 alternative mortgages regulated under chapter 528, letters of

1 credit, certificates of deposit, and descriptions of stock or  
2 other items of value held for collateral, whether in the  
3 possession of the association or in the possession of the  
4 borrower. "Records" does not include any electronic personal  
5 identifier issued to the customer by the licensee for access  
6 or security purposes.

7 4. If the licensee has possession of an abstract of title  
8 for real estate, the abstract shall be maintained in a  
9 location from which the abstract can be recalled within ten  
10 business days of a request submitted by a person as provided  
11 in subsection 1.

12 Sec. 6. Section 536A.23, Code 2001, is amended by adding  
13 the following new subsection:

14 NEW SUBSECTION. 6. Industrial loan companies licensed  
15 under this chapter shall comply with the production of records  
16 requirements in section 536.17.

17 Sec. 7. NEW SECTION. 537.1111 PRODUCTION OF RECORDS.

18 1. A person subject to the requirements of this chapter as  
19 provided in section 537.6102, shall provide a reasonable  
20 number of copies of any record in the custody of the person,  
21 relating to a particular consumer, upon the request of the  
22 consumer, the authorized agent or trustee of the consumer, a  
23 person who holds a power of attorney granted by the consumer,  
24 or a person authorized by a state or federal court, upon the  
25 payment of a fee, within ten business days of the request.  
26 The person may extend the time for response for one additional  
27 ten-day period, if the person informs the person making the  
28 request, in writing, of the need for the additional time and  
29 the date by which the records or copies will be available.  
30 The administrator shall provide by rule for sanctions for  
31 noncompliance.

32 2. The fee for the copying service as determined by the  
33 person shall not exceed the cost of providing the service,  
34 including labor expended to locate the record and perform the  
35 copying, and shall be at a rate usual and customary for

1 performing work of a clerical nature, and the administrator  
2 may establish a maximum charge by rule.

3 3. As used in this section, "records" includes but is not  
4 limited to statements of account, applications for credit,  
5 leases, consumer rental purchase agreements, loan documents,  
6 mortgages or other evidence of indebtedness, retail  
7 installment sale contracts, letters of credit, certificates of  
8 deposit, and descriptions of stock or other items of value  
9 held for collateral, whether in the possession of the person  
10 or in the possession of the consumer or person subject to this  
11 chapter. "Records" does not include any electronic personal  
12 identifier issued to the consumer by the person for access or  
13 security purposes.

14 4. If the person has possession of an abstract of title  
15 for real estate, the abstract shall be maintained in a  
16 location from which the abstract can be recalled within ten  
17 business days of a request submitted as provided in subsection  
18 1.

19 EXPLANATION

20 This bill makes changes that require banks, credit unions,  
21 savings and loan associations, regulated loan companies,  
22 industrial loan companies, and persons who supply consumer  
23 credit to produce copies of records related to a borrower,  
24 customer, or consumer, or certain persons on behalf of the  
25 borrower, customer, or consumer, within 10 business days of a  
26 request. The banks, credit unions, savings and loan  
27 associations, regulated loan companies, industrial loan  
28 companies, and persons who supply consumer credit may extend  
29 the time for response for one additional 10-day period, if the  
30 person informs the person making the request, in writing, of  
31 the need for the additional time and the date by which the  
32 records or copies will be available. The administrator shall  
33 provide by rule for sanctions for noncompliance.

34 The banks, credit unions, savings and loan associations,  
35 regulated loan companies, industrial loan companies, and

1 persons who supply consumer credit may charge a fee for the  
2 copying service that shall not exceed the cost of providing  
3 the service, including labor expended to locate the record and  
4 perform the copying. The fee shall be at a rate usual and  
5 customary for performing work of a clerical nature, and the  
6 commissioner of banking may establish a maximum charge by  
7 rule.

8 The bill defines "records" as statements of account,  
9 applications for credit, loan documents, mortgages or other  
10 evidence of indebtedness, alternative mortgages regulated by  
11 Code chapter 528, letters of credit, certificates of deposit,  
12 consumer rental purchase agreements, retail installment sales  
13 contracts, and descriptions of stock or other items of value  
14 held for collateral. However, "records" does not include any  
15 electronic personal identifier issued to the customer for  
16 access or security purposes.

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