

No. 2011-133

AN ACT

SB 1335

Amending the act of November 30, 1965 (P.L.847, No.356), entitled "An act relating to and regulating the business of banking and the exercise by corporations of fiduciary powers; affecting persons engaged in the business of banking and corporations exercising fiduciary powers and affiliates of such persons; affecting the shareholders of such persons and the directors, trustees, officers, attorneys and employes of such persons and of the affiliates of such persons; affecting national banks located in the Commonwealth; affecting persons dealing with persons engaged in the business of banking, corporations exercising fiduciary powers and national banks; conferring powers and imposing duties on the Banking Board, on certain departments and officers of the Commonwealth and on courts, prothonotaries, clerks and recorders of deeds; providing penalties; and repealing certain acts and parts of acts," further providing for names permitted to be used and for prohibition of adoption, use or advertisement of certain names, titles and descriptions.

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

Section 1. Section 802 of the act of November 30, 1965 (P.L.847, No.356), known as the Banking Code of 1965, amended July 6, 1984 (P.L.606, No.125) and July 6, 1984 (P.L.621, No.128), is amended to read:
Section 802. Names Permitted to Be Used

(a) The name of an institution:

(i) may be in any language but shall be expressed in English letters or characters;

(ii) in the case of a bank, ***bank and trust company or savings bank***, shall contain in English the word "bank" or "banking" and **[shall not contain either of the words "trust" or "savings"]** *may contain the word "trust" if the bank, bank and trust company or savings bank acts in a fiduciary or other representative capacity as authorized in Chapter 4 of this act;*

[(iii) in the case of a bank and trust company, shall contain in English one or more of the words "bank", "banking", "trust" or "trusts", and shall not contain the word "savings";]

(iv) in the case of a trust company, shall contain in English the words "trust company" or "company for trusts" and shall not contain any of the words "bank", "banking" or "savings";

[(v) in the case of a savings bank, shall contain in English the words "savings bank" or "savings" and may contain the word "trust" if the savings bank acts in a fiduciary or other representative capacity as authorized in Chapter 4 of this act;]

(vi) in the case of a private bank, shall contain in English the words "private bank" or "unincorporated bank" and shall not contain either of the words "trust" or "savings";

(viii) shall not contain any word which may deceptively lead to the conclusion that the institution is authorized to perform any act or conduct

any business which it is not authorized to perform or conduct or which is forbidden to it by law, its articles or otherwise;

(ix) shall not contain any of the words "Government", "Official", "Federal", "National" or "United States" [or any abbreviation of any such word]; and

(x) shall not be a name which would be unavailable for use by a business corporation under section 202(B) of the Business Corporation Law (dealing with names the same as, or deceptively similar to, certain other names).

(b) An institution may, without regard to the provisions of subsection (a) of this section, use:

(i) its name legally in use on the effective date of this act, or

(ii) a name legally in use on the effective date of this act by another institution which is adopted by:

(A) an institution which is the resulting institution in a plan of merger or consolidation to which the institution using the name is a party, or

(B) an institution which is incorporated under this act in pursuance of a plan of segregating the banking business and the trust business of the institution using the name.

(c) An institution may adopt fictitious names permitted by 54 Pa.C.S. Ch. 3 (relating to fictitious names), provided that such fictitious names do not violate subsection (a)(viii) or (ix).

Section 2. Section 805(d) of the act is amended to read:

Section 805. Prohibition of Adoption, Use or Advertisement of Certain Names, Titles and Descriptions

* * *

(d) Duty of Department of State—The Department of State shall not approve as a corporate name, or register as a fictitious name, any name which would violate the provisions of this [section] chapter.

Section 3. This act shall take effect immediately.

APPROVED—The 22nd day of December, A.D. 2011

TOM CORBETT