

Stricken language would be deleted from and underlined language would be added to present law.

State of Arkansas
94th General Assembly
Regular Session, 2023

A Bill

HOUSE BILL 1484

By: Representative Maddox

By: Senator J. Dismang

For An Act To Be Entitled

AN ACT TO AMEND THE LAW CONCERNING THE OPERATION OF
BANK FACILITIES; AND FOR OTHER PURPOSES.

Subtitle

TO AMEND THE LAW CONCERNING THE OPERATION
OF BANK FACILITIES.

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. Arkansas Code § 23-46-212(a), concerning the legislative findings used to support the authorization of emergency powers of the Bank Commissioner, is amended to read as follows:

(a) The General Assembly:

(1) Finds that in the event of an emergency, the Bank Commissioner should be authorized to take appropriate action to expedite the recovery of a community affected by the emergency and to encourage banks to meet the credit, deposit, and other financial needs of the community; and

(2) Intends by the enactment of this section to authorize the commissioner when warranted by a state of emergency to assist the affected community by:

(A) Declaring with the consent of the Governor a state of emergency in this state;

(B) Temporarily modifying or suspending banking laws, regulations, or requirements; ~~and~~

(C) Taking any other action appropriate to assist affected banks so that:



(i) Customary banking services can continue to be provided; and

(ii) Financial stability can be maintained; and

(D) Declaring a state of emergency in another state if:

(i) The declaration of a state of emergency is limited in scope to an affected branch office of an Arkansas state-chartered bank that is under the regulatory authority of the commissioner; and

(ii) Prior notice is given to the relevant state banking regulatory authority of the state in which the emergency is to be declared.

SECTION 2. Arkansas Code § 23-48-103 is amended to read as follows:
23-48-103. Bank holidays – Definition.

(a)(1) Any bank, subsidiary trust company, or national trust company doing business in this state may close its office for the transaction of business upon any day which has been or may hereafter be set apart or designated under the laws of this state or of the United States as a legal holiday.

(2) All acts omitted or done by any bank, subsidiary trust company, or national trust company upon any such day shall have the same consequence and effect as if omitted or done upon the next succeeding business day.

(b)(1) Any bank, subsidiary trust company, or national trust company transacting business in the State of Arkansas may close on any one (1) business day of each week unless a temporary interruption in service is authorized under subsection (d) of this section.

(2) Any day upon which a bank, subsidiary trust company, or national trust company may elect to close shall, with respect to the institution, be deemed a holiday for all purposes and not a business day.

(3) All acts omitted or done by a bank, subsidiary trust company, or national trust company upon any such day shall have the same consequence and effect as if omitted or done upon the next succeeding business day.

(c) Any act authorized, required, or permitted to be performed at or with respect to any such bank, subsidiary trust company, or national trust company on the days closed may be performed on the next succeeding business

day, and no liability or loss of rights of any kind shall result from the delay.

(d)(1) If a bank is required to temporarily close a branch office due to an event beyond a bank's control, then upon written permission by the Bank Commissioner, the bank may close a branch office temporarily if the services at the site are expected to be restored in a timely manner.

(2) A branch office shall not be closed for more than three (3) consecutive business days due to a temporary interruption in service under subdivision (d)(1) of this section.

(3) The commissioner may grant an extension for a bank to close a branch office temporarily for an additional two (2) business days if the bank submits a written request that demonstrates the necessity for a longer closure period.

(e) As used in this section, "business day" means Monday through Saturday, except for a state or federal holiday.