

prescribed pursuant to section 21(b)(3) of the Federal Deposit Insurance Act [12 U.S.C. 1829b(b)(3)] (as added by subsection (a)(2) of this section) shall take effect before January 1, 1994.”

#### ADDITIONAL CRIMINAL PENALTIES

Willful violation of regulations under this section punishable by fine of not more than \$10,000 or imprisonment of not more than five years, or both, when such willful violation is committed in furtherance of the commission of any violation of federal law punishable by imprisonment of more than one year, see section 1957 of this title.

#### ADMINISTRATIVE PROCEDURE

Administrative procedure and judicial review provisions of subchapter II (§551 et seq.) of chapter 5 and chapter 7 (§701 et seq.) of Title 5, Government Organization and Employees, applicable to all proceedings under this section, see section 1959 of this title.

#### RESPONSIBILITY FOR COMPLIANCE

Responsibility for the Secretary of the Treasury to assure compliance with requirements of this section, and Secretary's authority to delegate such responsibility to the appropriate bank supervisory agency, or other supervisory agency, see section 1958 of this title.

### § 1829c. Making online banking initiation legal and easy

#### (a) Definitions

In this section:

##### (1) Affiliate

The term “affiliate” has the meaning given the term in section 1841 of this title.

##### (2) Driver's license

The term “driver's license” means a license issued by a State to an individual that authorizes the individual to operate a motor vehicle on public streets, roads, or highways.

##### (3) Federal bank secrecy laws

The term “Federal bank secrecy laws” means—

- (A) section 1829b of this title;
- (B) section 1953 of this title; and
- (C) subchapter II of chapter 53 of title 31.

##### (4) Financial institution

The term “financial institution” means—

- (A) an insured depository institution;
- (B) an insured credit union; or
- (C) any affiliate of an insured depository institution or insured credit union.

##### (5) Financial product or service

The term “financial product or service” has the meaning given the term in section 5481 of this title.

##### (6) Insured credit union

The term “insured credit union” has the meaning given the term in section 1752 of this title.

##### (7) Insured depository institution

The term “insured depository institution” has the meaning given the term in section 1813 of this title.

##### (8) Online service

The term “online service” means any Internet-based service, such as a website or mobile application.

#### (9) Personal identification card

The term “personal identification card” means an identification document issued by a State or local government to an individual solely for the purpose of identification of that individual.

#### (10) Personal information

The term “personal information” means the information displayed on or electronically encoded on a driver's license or personal identification card that is reasonably necessary to fulfill the purpose and uses permitted by subsection (b).

#### (11) Scan

The term “scan” means the act of using a device or software to decipher, in an electronically readable format, personal information displayed on or electronically encoded on a driver's license or personal identification card.

#### (12) State

The term “State” means any State of the United States, the District of Columbia, the Commonwealth of Puerto Rico, and any other commonwealth, possession, or territory of the United States.

#### (b) Use of a driver's license or personal identification card

##### (1) In general

When an individual initiates a request through an online service to open an account with a financial institution or obtain a financial product or service from a financial institution, the financial institution may record personal information from a scan of the driver's license or personal identification card of the individual, or make a copy or receive an image of the driver's license or personal identification card of the individual, and store or retain such information in any electronic format for the purposes described in paragraph (2).

##### (2) Uses of information

Except as required to comply with Federal bank secrecy laws, a financial institution may only use the information obtained under paragraph (1)—

- (A) to verify the authenticity of the driver's license or personal identification card;
- (B) to verify the identity of the individual; and
- (C) to comply with a legal requirement to record, retain, or transmit the personal information in connection with opening an account or obtaining a financial product or service.

##### (3) Deletion of image

A financial institution that makes a copy or receives an image of a driver's license or personal identification card of an individual in accordance with paragraphs (1) and (2) shall, after using the image for the purposes described in paragraph (2), permanently delete—

- (A) any image of the driver's license or personal identification card, as applicable; and
- (B) any copy of any such image.

**(4) Disclosure of personal information**

Nothing in this section shall be construed to amend, modify, or otherwise affect any State or Federal law that governs a financial institution's disclosure and security of personal information that is not publicly available.

**(c) Relation to State law**

The provisions of this section shall preempt and supersede any State law that conflicts with a provision of this section, but only to the extent of such conflict.

(Pub. L. 115–174, title II, §213, May 24, 2018, 132 Stat. 1319.)

**Editorial Notes**

## CODIFICATION

Section was enacted as part of the Economic Growth, Regulatory Relief, and Consumer Protection Act, and not as part of the Federal Deposit Insurance Act which comprises this chapter.

**§ 1830. Nondiscrimination**

It is not the purpose of this chapter to discriminate in any manner against State non-member banks or State savings associations and in favor of national or member banks or Federal savings associations, respectively. It is the purpose of this chapter to provide all banks and savings associations with the same opportunity to obtain and enjoy the benefits of this chapter.

(Sept. 21, 1950, ch. 967, §2[22], formerly §2[20], 64 Stat. 893; renumbered §2[21], Pub. L. 90–203, §3, Dec. 15, 1967, 81 Stat. 610; renumbered §2[22], Pub. L. 91–508, title I, §101, Oct. 26, 1970, 84 Stat. 1114; amended Pub. L. 101–73, title II, §223, Aug. 9, 1989, 103 Stat. 273.)

**Editorial Notes**

## PRIOR PROVISIONS

Section is derived from subsec. (y) of former section 264 of this title. See Codification note set out under section 1811 of this title.

## AMENDMENTS

1989—Pub. L. 101–73 amended section generally. Prior to amendment, section read as follows: “It is not the purpose of this chapter to discriminate in any manner against State nonmember banks and in favor of national or member banks; but the purpose is to provide all banks with the same opportunity to obtain and enjoy the benefits of this chapter. No bank shall be discriminated against because its capital stock is less than the amount required for eligibility for admission into the Federal Reserve System.”

**§ 1831. Separability of certain provisions of this chapter**

The provisions of this chapter limiting the insurance of the deposits of any depositor to a maximum less than the full amount shall be independent and separable from each and all of the provisions of this chapter.

(Sept. 21, 1950, ch. 967, §2[23], formerly §2[21], 64 Stat. 894; renumbered §2[22], Pub. L. 90–203, §3, Dec. 15, 1967, 81 Stat. 610; renumbered §2[23], Pub. L. 91–508, title I, §101, Oct. 26, 1970, 84 Stat. 1114.)

**Editorial Notes**

## PRIOR PROVISIONS

Section is derived from subsec. (z) of former section 264 of this title. See Codification note set out under section 1811 of this title.

**§ 1831a. Activities of insured State banks****(a) Permissible activities****(1) In general**

After the end of the 1-year period beginning on December 19, 1991, an insured State bank may not engage as principal in any type of activity that is not permissible for a national bank unless—

(A) the Corporation has determined that the activity would pose no significant risk to the Deposit Insurance Fund; and

(B) the State bank is, and continues to be, in compliance with applicable capital standards prescribed by the appropriate Federal banking agency.

**(2) Processing period****(A) In general**

The Corporation shall make a determination under paragraph (1)(A) not later than 60 days after receipt of a completed application that may be required under this subsection.

**(B) Extension of time period**

The Corporation may extend the 60-day period referred to in subparagraph (A) for not more than 30 additional days, and shall notify the applicant of any such extension.

**(b) Insurance underwriting****(1) In general**

Notwithstanding subsection (a), an insured State bank may not engage in insurance underwriting except to the extent that activity is permissible for national banks.

**(2) Exception for certain federally reinsured crop insurance**

Notwithstanding any other provision of law, an insured State bank or any of its subsidiaries that provided insurance on or before September 30, 1991, which was reinsured in whole or in part by the Federal Crop Insurance Corporation may continue to provide such insurance.

**(c) Equity investments by insured State banks****(1) In general**

An insured State bank may not, directly or indirectly, acquire or retain any equity investment of a type that is not permissible for a national bank.

**(2) Exception for certain subsidiaries**

Paragraph (1) shall not prohibit an insured State bank from acquiring or retaining an equity investment in a subsidiary of which the insured State bank is a majority owner.

**(3) Exception for qualified housing projects****(A) Exception**

Notwithstanding any other provision of this subsection, an insured State bank may invest as a limited partner in a partnership,