



Massachusetts Bankers Association

2023-2024 Legislative Program

ELECTRONIC PROPERTY RECORDINGS: An Act relative to uniform real property electronic recordings Sponsor: Rep. Daniel Cahill (D-Lynn)

Docket #: HD 1618

Bill #: H. 1405

Committee Assignment: Joint Committee on Judiciary

This piece of legislation aims at implementing the Uniform Real Property Electronic Recording Act (URPERA) to facilitate electronic lending in the Commonwealth. The Uniform Real Property Electronic Recording Act (URPERA) allows local recording offices to accept deeds and other property records in electronic form. The act is technology-neutral and allows for Massachusetts to determine recording standards based on current best practices.

BANK NAME PROTECTION: An Act protecting the use of bank names, trade names and trademarks in electronic communications

Sponsor: Rep. Daniel Cahill (D-Lynn) Docket #: HD 1603

Bill #: H. 954

Committee Assignment: Joint Committee on Financial Services

Revises the Commonwealth's "Use of Bank Name" statute to reflect changes in technology and customer communications. Proposed language aims to modernize the current prohibitions on unlawful use of bank names to include communications and solicitations in electronic mail, text messages, websites and more.

"MINI" MODERNIZATION BILL: An Act amending the banking laws and related statutes

Sponsor: Rep. Daniel Cahill (D-Lynn)

Docket #: HD 1614

Bill #: H. 955

Committee Assignment: Joint Committee on Financial Services

This legislation addresses several issues in its 16 sections. Among the bill's provisions are:

- Changes to the state's public deposits statutes, including authorizing the use of collateralized deposits or insured cash sweep programs for public funds;
- Language codifying the authority of the Commissioner of Banks to allow state-chartered institutions to hold virtual annual meetings during a state of emergency;
- Technical changes to the Limited Purpose Trust Company statute;

- Provisions streamlining the Commonwealth's High-Cost Loan statute to reflect changes in federal law and the regulations of the federal Consumer Financial Protection Bureau (CFPB); a
- Provisions prohibiting core processors from including excessive penalties in service contracts.

BANK ROBBERIES AND CHECK FRAUD: An Act enhancing the safety of bank customers & employees

Sponsors: Sen. Michael Rush (D-West Roxbury) and Rep. Tackey Chan (D-Quincy)

Docket #: SD 548/HD 2849 Bill #: S. 1117/H. 1419

Committee Assignment: Joint Committee on the Judiciary

Establishes new definitions of and increases certain penalties for crimes against banks, including bank robberies, passing fraudulent checks and debit card transactions. This bill expands the definition of bank robbery under Chapter 265 to include note passers. The bill also facilitates the consolidation of check fraud that occurs in multiple court jurisdictions to a single jurisdiction.

CREDIT UNION FIELD OF MEMBERSHIP & MISSION: An Act enhancing the mission of credit unions and promoting fair competition among financial institutions

Sponsor: Rep. Frank Moran (D-Lawrence)

Docket #: HD 479

Bill #: H. 1097

Committee Assignment: Joint Committee on Financial Services

Over the last several years, Massachusetts credit unions have expanded their powers through changes to state law and federal regulation. In particular, the National Credit Union Administration's (NCUA) expansive rulemakings regarding membership, business lending and the low-income designation have encouraged many credit unions to move away from their core mission as member-driven institutions serving individuals of modest means.

The proposed legislation contains four (4) sections and includes language from H 1065 from the 2019-2020 legislative session that establishes new requirements for credit union membership by-law amendments. Specifically, the membership vote is increased from a majority to three-quarters and at least five percent of the credit union's total membership must participate in the vote. In addition, in most cases membership by-law amendments must be considered at a credit union's annual meeting.

To facilitate greater member participation in these votes, the bill also mandates that all state-chartered credit unions with more than 25,000 members provide the option for members to vote by electronic means at any special or annual meeting. The bill also refocuses state-chartered credit unions on their traditional mission by enhancing the Community Reinvestment Act (CRA) statute for credit unions and explicitly tying CRA performance to expanded interstate branching powers.

BANK MODERNIZATION TECHNICAL CORRECTIONS: An Act making changes to certain references in the banking laws of the Commonwealth

Sponsor: Rep. John Lawn (D-Watertown)

Docket #: HD 1443

Bill #: H. 1078

Committee Assignment: Joint Committee on Financial Services

This legislation updates other existing provisions of the General Laws to reflect the proper cites of statutory cross references in the revised banking laws after the enactment of Chapter 482 of the Acts of 2014. Other technical updates and corrections to the General Laws are also included in the bill.

RESTRICTING PATENT TROLLS: An Act to protect innovation and entrepreneurship in the Commonwealth

Sponsor: Rep. Edward Coppinger (D-Boston) Docket #: HD 1263

Bill #: H. 277

Committee Assignment: Joint Committee on Consumer Protection & Professional Licensure

The proposed legislation creates a new Chapter 93L, Bad Faith Assertions of Patent Infringement that establishes a private right of action for Massachusetts businesses against patent trolls. The legislation defines a broad range of assertions of patent infringement and creates standards by which the assertion of patent infringement could be found to be in bad faith. These include demand letters that do not include necessary information; the letter requests the payment of a license fee or response within an unreasonably short period of time; or the offers to license the patent for an amount that is not based on a reasonable estimate of the value of the license, among others. The Attorney General is also given enforcement authority for the new Chapter.

DATA SECURITY STANDARDS: An Act relative to the security of personal financial information

Sponsor: Rep. Michael Day (D-Stoneham)

Docket #: HD 3727

Bill #: H. 281

Committee Assignment: Joint Committee on Consumer Protection & Professional Licensure

This bill imposes strong data security standards modeled on the Gramm-Leach-Bliley data security requirements that banks and other financial firms must adhere to on non-financial entities that use or store sensitive personal financial information. The legislation also deletes the language in Massachusetts law, (Chapter 93 H) that currently prohibits a bank from informing its customers of the nature of the breach who caused the breach or the number of residents affected.

RUFADAA: Revised Uniform Access to Digital Assets Act

Sponsor: Sen. Barry Finegold (D-Andover) and Rep. Jay Livingstone (D-Boston)

Docket #: SD 1822/HD 1772

Bill #: S. 974/ H. 1641

Committee Assignment: Joint Committee on the Judiciary

The Revised Uniform Fiduciary Access to Digital Assets Act (RUFADAA) governs access to a person's online accounts when the account owner dies or can no longer manage the account. Under the legislation, the powers of a fiduciary, such as the executors of a decedent's estate, trustees, conservators, and agents under a power of attorney, are extended to include management of digital assets. Specifically, the bill allows fiduciaries to manage digital property like computer files, web domains, and virtual currency, but restricts a fiduciary's access to electronic communications such as email, text messages, and social media accounts unless the original user consented to fiduciary access in a will, trust, power of attorney, or other record. More than 40 other states have adopted RUFADAA.

REMOTE ONLINE NOTARIZATION (RON): An Act modernizing notary services

Sponsor: Sen. Brenden Crighton (D-Lynn) and Rep. Carmine Gentile (D-Sudbury)

Docket #: SD 927/HD 416

Bill #: S. 943/ H. 1525

Committee Assignment: Joint Committee on the Judiciary

SIGNED INTO LAW – 3.29.2023 – Chapter 2 of Acts of 2023



RON is a modern form of notarization that allows anyone to appear before a commissioned notary using audio/video technology. RON is designed with a multi-layered approach to fraud prevention, using technology not available in the traditional paper-based process, including having the document signer be identified through at least two forms of identity proofing and an A/V recording of a signing would be created by employing tamper-evident technologies to secure electronic records.

Utilizing RON, a notary can provide services to individuals located anywhere in the state without leaving home or an office. The bill aims at making it easier for notaries who speak multiple languages to provide services to the thousands of residents in the Commonwealth who may not speak English - a critical tool to assist in the completion of important financial and other personal transactions. Currently, 42 other states have adopted RON.

If you have any questions or need additional information, please contact me at any time.

Sincerely,

[Brad S. Papalardo, Esq.](#)

SVP, Chief of Government Affairs & Counsel