

the manner provided in subsections (b) and (c) of section 5321 of title 31.

(Sept. 21, 1950, ch. 967, §2[21], as added Pub. L. 91-508, title I, §101, Oct. 26, 1970, 84 Stat. 1114; amended Pub. L. 95-369, §6(c)(29), Sept. 17, 1978, 92 Stat. 620; Pub. L. 100-690, title VI, §6185(d)(1), Nov. 18, 1988, 102 Stat. 4356; Pub. L. 101-73, title II, §201(a), Aug. 9, 1989, 103 Stat. 187; Pub. L. 102-550, title XV, §§1515(a), (b), 1535(b), Oct. 28, 1992, 106 Stat. 4058, 4059, 4066; Pub. L. 103-325, title VI, §602(a)(52)-(54), Sept. 23, 1994, 108 Stat. 2290; Pub. L. 107-56, title III, §358(d), Oct. 26, 2001, 115 Stat. 326; Pub. L. 108-458, title VI, §6203(k), Dec. 17, 2004, 118 Stat. 3747.)

#### CODIFICATION

In subsec. (e), “subchapter II of chapter 53 of title 31” was substituted for “the Currency and Foreign Transactions Reporting Act [31 U.S.C. 1051 et seq.]” on authority of Pub. L. 97-258, §4(b), Sept. 13, 1982, 96 Stat. 1067, the first section of which enacted Title 31, Money and Finance.

#### AMENDMENTS

2004—Subsec. (a)(2). Pub. L. 108-458 substituted “recognizing that” for “recognizes that”.

2001—Subsec. (a). Pub. L. 107-56 reenacted heading without change and amended text generally. Prior to amendment, text read as follows:

“(1) The Congress finds that adequate records maintained by insured depository institutions have a high degree of usefulness in criminal, tax, and regulatory investigations and proceedings. The Congress further finds that microfilm or other reproductions and other records made by banks of checks, as well as records kept by banks of the identity of persons maintaining or authorized to act with respect to accounts therein, have been of particular value in this respect.

“(2) It is the purpose of this section to require the maintenance of appropriate types of records by insured depository institutions in the United States where such records have a high degree of usefulness in criminal, tax, or regulatory investigations or proceedings.”

1994—Subsecs. (c), (d)(2), (e). Pub. L. 103-325 substituted “the insured depository institution” for “the bank”.

1992—Subsec. (b). Pub. L. 102-550, §1515(a), inserted heading, designated existing provisions as par. (1) and inserted heading, and added pars. (2) and (3).

Subsec. (c). Pub. L. 102-550, §1515(b)(1), substituted “Subject to the requirements of any regulations prescribed jointly by the Secretary and the Board under paragraph (2) or (3) of subsection (b), each insured” for “Each insured”.

Subsec. (e). Pub. L. 102-550, §1515(b)(2), substituted “Subject to the requirements of any regulations prescribed jointly by the Secretary and the Board under paragraph (2) or (3) of subsection (b), whenever any” for “Whenever any”.

Subsec. (f). Pub. L. 102-550, §1515(b)(3), substituted “Subject to the requirements of any regulations prescribed jointly by the Secretary and the Board under paragraph (2) or (3) of subsection (b) and in addition to” for “In addition to”.

Subsec. (j)(1). Pub. L. 102-550, §1535(b), inserted “, or any person who willfully causes such a violation,” after “gross negligence violates”.

1989—Pub. L. 101-73 substituted references to insured depository institutions for references to insured banks wherever appearing in this section.

1988—Subsec. (j). Pub. L. 100-690 added subsec. (j).

1978—Subsec. (i). Pub. L. 95-369 added subsec. (i).

#### EFFECTIVE DATE OF 2004 AMENDMENT

Amendment by Pub. L. 108-458 effective as if included in Pub. L. 107-56, as of the date of enactment of such Act, and no amendment made by Pub. L. 107-56 that is

inconsistent with such amendment to be deemed to have taken effect, see section 6205 of Pub. L. 108-458, set out as a note under section 1828 of this title.

#### EFFECTIVE DATE OF 2001 AMENDMENT

Pub. L. 107-56, title III, §358(h), Oct. 26, 2001, 115 Stat. 328, provided that: “The amendments made by this section [enacting section 1681v of Title 15, Commerce and Trade, amending this section and sections 1953, 3412, 3414, and 3420 of this title, section 1681u of Title 15, and sections 5311, 5318, and 5319 of Title 31, Money and Finance] shall apply with respect to reports filed or records maintained on, before, or after the date of enactment of this Act [Oct. 26, 2001].”

#### EFFECTIVE DATE

Section effective on first day of seventh calendar month which begins after Oct. 26, 1970, except that the Secretary of the Treasury may, by regulation, provide that this section be effective on any date not earlier than the publication of such regulations in the Federal Register and not later than first day of thirteenth calendar month which begins after Oct. 26, 1970, see section 401(a), (b) of Pub. L. 91-508, set out as a note under section 1951 of this title.

#### REGULATIONS

Pub. L. 102-550, title XV, §1515(c), Oct. 28, 1992, 106 Stat. 4059, provided that: “The initial final regulations 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.)

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.)

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