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**NEW HAMPSHIRE CREDIT UNION LEAGUE**  
**2003 LEGISLATIVE SUMMARY**  
(all effective January 1, 2004, unless otherwise noted)

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**A. Estate Distributions to Minors**

Generally, if a minor is entitled to a distribution from an estate, a guardianship had to be established to receive the distribution and hold it until the minor reached the age of majority. This new law permits the distribution to be made to a custodian of an account pursuant to the Uniform Transfers to Minors Act. Chapter 30, HB 183, amending RSA 561:20.

**B. Effect of Divorce Upon Trusts**

This bill provides that divorce or annulment revokes any disposition of property made by a trust to the former spouse. Chapter 31, HB 186, adding RSA 551:13.

**C. Distribution Upon Intestacy**

The law regarding distribution upon intestacy has been modified, particularly to increase the initial distribution to the surviving spouse from \$50,000 to \$250,000, with the balance of the estate still being divided equally between the surviving spouse, and surviving children and parents. Chapter 47, HB 184, amending RSA 561:1.

**D. Telemarketers/Do-Not-Call Registry**

Telemarketers are prohibited from conducting telemarketing sales calls to any customer registered with a do-not-call registry, which, if not established by the federal government, is to be established by the state government. Chapter 303, SB 98, amending RSA 359-E (eff. Sept. 16, 2003).

### **E. Loss of Negotiable Instruments**

This bill addresses the manner in which a person can enforce a negotiable instrument when the original instrument has been lost. Chapter 121, HB 131, amending RSA 382-A:3-309.

### **F. Safe Deposit Boxes**

This bill revises the available procedures for disposing of the contents of a safe deposit box, to provide for public sale or nationally recognized Internet auction in addition to public auction, effective July 29, 2003. Chapter 85, HB 423, amending RSA 385:4,5.

### **G. Credit Unions/Insurance Sales**

Credit unions have now specifically been added to the list of financial institutions that are authorized to engage in insurance sales, and governed by the provisions of RSA 406-C pertaining to sales of insurance by financial institutions. Chapter 144, HB 460, amending RSA 406-C:2, IV.

### **H. Small Group Health Insurance Coverage**

This changes the definition of small group employer from employers with up to 100 employees to employers with up to 50 employees. The intent of this legislation is to provide more competition among health insurers, but may make coverage more difficult or expensive to obtain for employers with less than healthy members, effective July 1, 2003. Chapter 188, SB 110, amending RSA 420-G.

### **I. Unauthorized and Deceptive Use of a Financial Institution's Name**

This new law prohibits the unauthorized and deceptive use of the name of a financial institution, and provides for injunctive action by the bank commissioner. Chapter 238, SB 164, amending RSA 384:12-a, 67, and 68.

### **J. Changes to Credit Union Act**

This bill makes numerous changes in the State Credit Union Act: (1) the prohibition against voting by proxy has been removed; (2) lease of real estate requires bank commissioner approval; (3) declaration of dividends made subject to "well capitalized" requirement; (4) 100% verification audit requirement removed; (5) loans to officials require approval of the Board of Directors and ratification by the supervisory committee; (6) loan applications need not be in writing, effective 60 days after passage. Chapter 164, SB 177, amending RSA 394-B.

## **K. Banking Laws**

This bill recognizes the authority of the bank commissioner to arrange for a joint examination with the NCUA, and to waive one examination every six years for highly rated institutions, effective 60 days after passage. Chapter 165, SB 180, amending RSA 383:9-a, 9-d.

Dated: July 23, 2003  
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