

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1580 Session of 2023

INTRODUCED BY SALISBURY, TWARDZIK, MADDEN, SANCHEZ, HILL-EVANS, MERCURI, SHUSTERMAN, GREEN, BOROWSKI, SCHEMEL, WAXMAN, CEPEDA-FREYTIZ, D'ORSIE, GAYDOS, WARREN AND OTTEN, JULY 18, 2023

AS REPORTED FROM COMMITTEE ON COMMERCE, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 18, 2023

AN ACT

1 Amending the act of May 15, 1933 (P.L.565, No.111), entitled "An
2 act relating to the powers and duties of the Department of
3 Banking and Securities and the Secretary of Banking and
4 Securities in exercising supervision over, and taking
5 possession of and conducting or liquidating the business and
6 property of, corporations, associations, and persons
7 receiving deposits or otherwise transacting a banking
8 business, corporations acting as fiduciaries, and building
9 and loan associations; providing for the payment of the
10 expenses of the Department of Banking by supervised
11 corporations, associations, or persons, and appropriating the
12 Banking Department Fund; authorizing the Department of
13 Banking, under certain circumstances, to examine
14 corporations, associations, or persons affiliated, or having
15 business transactions with supervised corporations,
16 associations or persons; authorizing appeals to the Supreme
17 Court, and prescribing and limiting the powers and duties of
18 certain other courts and their prothonotaries, registers of
19 wills, recorders of deeds, and certain State departments,
20 commissions, and officers; authorizing certain local public
21 officers and State departments to collect fees for services
22 rendered under this act; regulating securities; providing
23 penalties; and repealing certain acts and parts of acts," in
24 jurisdiction and maintenance of department, further providing
25 for general scope of supervision and exercise of discretion.

26 The General Assembly of the Commonwealth of Pennsylvania
27 hereby enacts as follows:

28 Section 1. Section 202 of the act of May 15, 1933 (P.L.565,

1 No.111), known as the Department of Banking and Securities Code,  
2 is amended by adding a ~~subsection~~ SUBSECTIONS to read: <--

3 Section 202. General Scope of Supervision; Exercise of  
4 Discretion.--\* \* \*

5 ~~F. Notwithstanding any other law, nothing in the act of~~ <--  
6 ~~April 8, 1937 (P.L.262, No.66), known as the "Consumer Discount~~  
7 ~~Company Act," or 12 Pa.C.S. Ch. 62 (relating to motor vehicle~~  
8 ~~sales finance) shall be construed to interfere with the ability~~  
9 ~~of employes of a licensee under the "Consumer Discount Company~~  
10 ~~Act" or 12 Pa.C.S. Ch. 62 to work from a remote location.~~

11 F. NOTWITHSTANDING ANY OTHER LAW, AN EMPLOYEE EMPLOYED BY A <--  
12 LICENSEE LICENSED UNDER THE ACT OF APRIL 8, 1937 (P.L.262,  
13 NO.66), KNOWN AS THE "CONSUMER DISCOUNT COMPANY ACT," MAY WORK  
14 FROM A REMOTE LOCATION IF ALL OF THE FOLLOWING REQUIREMENTS ARE  
15 MET:

16 (1) THE LICENSED ACTIVITIES ARE CONDUCTED UNDER THE  
17 SUPERVISION OF THE LICENSEE.

18 (2) THE LICENSEE HAS WRITTEN POLICIES AND PROCEDURES FOR THE  
19 SUPERVISION OF EMPLOYES WORKING FROM THE REMOTE LOCATION.

20 (3) ACCESS TO THE LICENSEE'S PLATFORMS AND CUSTOMER  
21 INFORMATION IS CONDUCTED IN ACCORDANCE WITH THE LICENSEE'S  
22 COMPREHENSIVE WRITTEN INFORMATION SECURITY PLAN.

23 (4) IN-PERSON CONSUMER INTERACTION DOES NOT OCCUR AT THE  
24 REMOTE LOCATION IF THE REMOTE LOCATION IS AT THE EMPLOYEE'S  
25 PERSONAL RESIDENCE.

26 (5) THE REMOTE LOCATION IS NOT ADVERTISED OR REPRESENTED TO  
27 CONSUMERS AS AN OPERATING LOCATION OF THE LICENSEE OR THE  
28 LICENSEE'S EMPLOYES WHO WORK AT THE REMOTE LOCATION.

29 (6) THE REMOTE LOCATION IS NOT OWNED OR CONTROLLED BY THE  
30 LICENSEE. A REMOTE LOCATION SHALL NOT BE CONSIDERED OWNED OR

1 CONTROLLED BY A LICENSEE IF THE REMOTE LOCATION IS UNDER THE  
2 CONTROL OF A SUBSIDIARY OR AFFILIATE OF THE LICENSEE, IS  
3 PRIMARILY USED BY THE SUBSIDIARY OR AFFILIATE AND IS ONLY USED  
4 BY THE LICENSEE ON AN INCIDENTAL BASIS FOR THE CONVENIENCE OF  
5 CONSUMERS.

6 G. NOTWITHSTANDING ANY OTHER LAW, AN EMPLOYEE EMPLOYED BY A  
7 LICENSEE LICENSED UNDER 12 PA.C.S. CH. 62 (RELATING TO MOTOR  
8 VEHICLE SALES FINANCE) MAY WORK FROM A REMOTE LOCATION IF ALL OF  
9 THE FOLLOWING REQUIREMENTS ARE MET:

10 (1) THE LICENSED ACTIVITIES ARE CONDUCTED UNDER THE  
11 SUPERVISION OF THE LICENSEE.

12 (2) THE LICENSEE HAS WRITTEN POLICIES AND PROCEDURES FOR THE  
13 SUPERVISION OF EMPLOYEES WORKING FROM THE REMOTE LOCATION.

14 (3) ACCESS TO THE LICENSEE'S PLATFORMS AND CUSTOMER  
15 INFORMATION IS CONDUCTED IN ACCORDANCE WITH THE LICENSEE'S  
16 COMPREHENSIVE WRITTEN INFORMATION SECURITY PLAN.

17 (4) IN-PERSON CONSUMER INTERACTION DOES NOT OCCUR AT THE  
18 REMOTE LOCATION IF THE REMOTE LOCATION IS AT THE EMPLOYEE'S  
19 PERSONAL RESIDENCE.

20 (5) THE REMOTE LOCATION IS NOT ADVERTISED OR REPRESENTED TO  
21 CONSUMERS AS AN OPERATING LOCATION OF THE LICENSEE OR THE  
22 LICENSEE'S EMPLOYEES WHO WORK AT THE LOCATION.

23 (6) THE REMOTE LOCATION IS NOT OWNED OR CONTROLLED BY THE  
24 LICENSEE. A REMOTE LOCATION SHALL NOT BE CONSIDERED OWNED OR  
25 CONTROLLED BY A LICENSEE IF THE REMOTE LOCATION IS UNDER THE  
26 CONTROL OF A SUBSIDIARY OR AFFILIATE OF THE LICENSEE, IS  
27 PRIMARILY USED BY THE SUBSIDIARY OR AFFILIATE AND IS ONLY USED  
28 BY THE LICENSEE ON AN INCIDENTAL BASIS FOR THE CONVENIENCE OF  
29 CONSUMERS.

30 Section 2. This act shall take effect in 60 days.