

***Comparative Digest of Credit Union Acts: General Provisions***

*CUNA's State Government Affairs – 2013*

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## Chapter 1

### Comparative Digest of Credit Union Acts: Tax Exemption

#### 2011 Model Credit Union Act:

##### Section 11.10. Tax Exemption.<sup>1</sup>

(1) Credit unions organized under the laws of this state, their property, their franchises, capital, reserves, surpluses, and other funds, and their income shall be exempt from all taxation imposed by the United States or by any state, territorial, or local taxing authority; except that real property shall be subject to federal, state, territorial, and local taxation to the same extent as other similar property is taxed.

(2) The participation by a credit union in any government program providing unemployment, social security, old age pension or other benefits shall not be deemed a waiver of the taxation exemption hereby granted.

(a) Establish policies under which the credit union may borrow, lend and invest money to carry on the functions of the credit union.

(b) Act upon applications for membership in the credit union.

(c) Establish the loan policies under which loans may be approved.

(d) Declare dividends on shares and set the rate of interest on deposits.

(e) Determine the amount which may be loaned to a member together with the terms and conditions of loans.

(f) Approve the charge-off of credit union losses.

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<sup>1</sup> A 1917 U.S. Attorney General's opinion serves as the basis for exempting state chartered credit unions from taxation. The Attorney General's opinion made it clear that institutions "organized and operated for mutual purposes and without profit" should not be subject to the tax imposed by the 1913 income tax law. This revised provision broadens the tax exemption.

**Comparative Digest of Credit Union Acts\*: General Provisions  
Provisions from State Credit Union Acts**

**Tax Exemption**

\*There are 47 state credit union acts. Delaware, South Dakota and Wyoming do not have a state credit union act.

**Alabama**

§ 5-17-24. Taxation.

A credit union shall be deemed an institution for savings and, together with all the accumulations therein, shall not be subject to taxation except as to real estate owned, as to the franchise tax required of other corporations and as to the excise tax required of financial institutions. The shares of a credit union shall not be subject to taxation or to a stock transfer tax when issued by the corporations or when transferred from one member to another.

**Alaska**

Sec. 06.45.230. Exemption from taxation.

A credit union organized under this chapter, its property, franchises, capital, reserves, surpluses, and other funds, and its income are exempt from taxation by the state or a political subdivision of the state, except that real property and tangible personal property owned by a credit union is subject to taxation to the same extent that similar property is taxed. This section does not prevent holdings in a credit union organized under this chapter from being included in the valuation of the personal property of the owners or holders under taxes imposed by the state or a political subdivision of the state.

**Arizona**

Silent

**Arkansas**

23-35-103. Taxation.

A credit union shall be deemed an institution for savings and, together with all accumulations therein, shall not be subject to taxation except as to real estate owned. The shares of a credit union shall not be subject to a stock transfer tax when issued by the corporation or when transferred from one (1) member to another.

## **California**

Silent

## **Colorado**

11-30-123. Taxation.

A credit union shall be deemed an institution for savings and, together with all accumulations therein, shall not be subject to taxation except as to real estate owned. The shares of a credit union shall not be subject to a stock transfer tax when issued by the corporation or when transferred from one member to another.

## **Connecticut**

Silent

## **Florida**

Silent

## **Georgia**

7-1-662. Taxes to which subject.

Credit unions shall not be subject to any tax except the ad valorem tax upon property imposed by the Constitution of this state unless made subject thereto by express provision of the law specifically naming credit unions and making them subject thereto. All ad valorem taxes against credit unions shall be assessed upon the value of their shares, including surplus and undivided profits, and not upon their assets, other than real estate; and the rate of taxation shall not exceed the rate of taxation imposed on banking corporations, provided that, so long as federal credit unions are exempt from the payment of the tax imposed under this Code section, state credit unions shall likewise be exempt.

## **Hawaii**

§412:10-122 Taxation.

(a) All credit unions, now or hereafter chartered under this chapter shall have the same immunity from state and local taxation that federally chartered credit unions have from time to time under the laws of the United States government. Any credit union organized under this chapter shall be exempt from all taxation now or hereafter imposed by this State or any taxing authority within this State. No law which taxes corporations in any form shall apply to such credit union, except that any real property and

personal services provided to the credit union shall be subject to taxation to the same extent as other similar property is taxed.

(b) The participation by a credit union in any government program providing unemployment, social security, old age pension or other benefits shall not be deemed a waiver of the taxation exemption hereby granted.

### **Idaho**

26-2138. Taxation.

A credit union shall be deemed an institution for savings and, together with all the accumulations therein, shall not be subject to taxation except as to real estate owned. The shares of a credit union shall not be subject to a stock transfer tax when issued by the corporation or when transferred from one (1) member to another.

### **Illinois**

Silent

### **Indiana**

Silent

### **Iowa**

533.329 Taxation.

1. A state credit union shall be deemed an institution for savings and is subject to taxation only as to its real estate and moneys and credits. The shares shall not be taxed.

2. a. The moneys and credits tax on state credit unions is imposed at a rate of one-half cent on each dollar of the legal and special reserves that are required to be maintained by the state credit union under section 533.303, and shall be levied by the board of supervisors and placed upon the tax list and collected by the county treasurer. However, an exemption shall be given to each state credit union in the amount of forty thousand dollars.

b. The amount collected in each taxing district within a city shall be apportioned twenty percent to the county, thirty percent to the city general fund, and fifty percent to the general fund of the state, and the amount collected in each taxing district outside of cities shall be apportioned fifty percent to the county and fifty percent to the general fund of the state.

- c. The moneys and credits tax shall be collected at the location of the state credit union as shown in its articles of incorporation.
- d. The moneys and credits tax imposed under this section shall be reduced by a tax credit authorized pursuant to section 15.331C for certain sales taxes paid by a third-party developer.
- e. The moneys and credits tax imposed under this section shall be reduced by an investment tax credit authorized pursuant to section 15.333.
- f. The moneys and credits tax imposed under this section shall be reduced by an investment tax credit authorized pursuant to section 15E.43.
- g. The moneys and credits tax imposed under this section shall be reduced by an Iowa fund of funds tax credit authorized pursuant to section 15E.66.
- h. The moneys and credits tax imposed under this section shall be reduced by an endow Iowa tax credit authorized pursuant to section 15E.305.
- i. The moneys and credits tax imposed under this section shall be reduced by a redevelopment tax credit allowed under chapter 15, subchapter II, part 9.
- j. The moneys and credits tax imposed under this section shall be reduced by an innovation fund investment tax credit allowed under section 15E.52.

## **Kansas**

Silent

## **Kentucky**

286.6-115. Tax exemption.

(1) The participation by a credit union in any government program providing unemployment social security, old age pension or other benefits shall not be deemed a waiver of the taxation exemption hereby granted.

(2) A credit union shall be deemed an institution for savings, and shall not be subject to taxation except as to real estate owned. The shares of credit unions shall not be subject to any stock transfer tax, either when issued or when transferred from one (1) member to another.

**Louisiana**

§662. Taxation.

A credit union is an institution for savings. It, together with all accumulations therein, is not subject to taxation except as to immovable property owned. The shares of a credit union are not subject to a stock transfer tax when issued by the corporation or when transferred from one member to another. No fees or taxes nor any of the stipulations as to capital stock set forth in general statutes for corporations apply to credit unions.

**Maine**

Silent

**Maryland**

§ 6-203. Exemption from taxation.

A credit union incorporated under the laws of this State, including its income, net worth, and other funds are exempt from all taxes imposed by this State or by any of its political subdivisions to the same extent as federal credit unions are exempt.

**Massachusetts**

Silent

**Michigan**

490.105 Domestic credit union; exemption from tax; exception; stock transfer tax.

A domestic credit union is exempt from taxation by this state or a political subdivision of this state except property taxes on real property. The shares of a domestic credit union are not subject to a stock transfer tax when issued by the credit union or when transferred from 1 member to another.

**Minnesota**

Silent



**Mississippi**

SEC. 81-13-63. Taxation.

The credit unions organized hereunder, their property, their franchises, capital, reserves, surpluses, and other funds, and their income shall be exempt from all taxation now or hereafter imposed; except that any real property and any tangible personal property of such credit unions shall be subject to federal, state, county, municipal or other local taxation to the same extent as other similar property is taxed. Nothing herein contained shall prevent holdings in any credit union organized hereunder from being included in the valuation of the personal property of the owners or holders thereof in assessing taxes imposed by authority of the state or political subdivision thereof in which the credit union is located; but the duty or burden of collecting or enforcing the payment of such a tax shall not be imposed upon any such credit union and the tax shall not exceed the rate of taxes imposed upon holdings in federal credit unions.

**Missouri**

Silent

**Montana**

32-3-901. Taxation.

All credit unions organized under this or any other credit union law shall have the same immunity from state and local taxation that federal credit unions have from time to time under the laws of the United States.

**Nebraska**

Silent

**Nevada**

NRS 678.540 Real and personal property subject to taxation.

The real property and any tangible personal property owned by a credit union organized pursuant to this chapter or any other provision of law is subject to taxation to the same extent as other similar property is taxed.

## **New Hampshire**

Silent

## **New Jersey**

Silent

## **New Mexico**

58-11-61. Taxation.

A. A credit union organized under or subject to the Credit Union Act [58-11-1 NMSA 1978] is exempt from taxation to the extent that a credit union chartered under federal law is exempt.

B. The shares of a credit union shall not be subject to stock transfer taxes, either when issued or when transferred from one member to another.

C. The participation by a credit union in any government program providing unemployment, social security, old age pension or other benefits shall not be deemed a waiver of the tax exemptions granted by this section.

## **New York**

§ 479. Credit union not liable for taxation.

Any credit union subject to the provisions of this article shall be deemed an institution for savings within the meaning of the law which exempts such institutions from taxation. No law which taxes corporations in any form, or the shares thereof or the accumulations therein, shall apply to corporations doing business in accordance with the provisions of this article, unless such corporations are specifically named in said law.

## **North Carolina**

§ 54-109.99. Restriction of taxation.

The corporation shall be deemed an institution for savings, and together with all accumulations therein shall not be taxable under any law which shall exempt building and loan associations or institutions for savings from taxation; nor shall any law passed taxing corporations in any form, or the shares thereof, or the accumulations therein, be deemed to include corporations doing business in pursuance of the provisions of this Article, unless they are specifically named in such law. The shares of credit unions, being hereby regarded as a system for saving, shall not be subject to any stock-transfer tax either when issued by the corporation or transferred from one member to another.

**North Dakota**

6-06-29. Taxation of credit unions.

Any credit union organized under this chapter or under the Federal Credit Union Act is exempt from all taxation now or hereafter imposed by the state or any municipality within the state or any local taxing authority and no law which taxes corporations in any form, or the shares thereof, or the accumulations thereon, shall apply to any such credit union, except that any real property and any tangible personal property owned by any credit union organized under this chapter or under the Federal Credit Union Act is subject to taxation to the same extent as other similar property is taxed and purchases by credit unions are subject to sales or use tax. The shares of credit unions are not subject to any stock transfer tax, either when issued or when transferred from one member to another. The participation by the credit union in any unemployment insurance funds, or social security fund, or old-age fund may not be deemed a waiver of the tax immunities hereby granted.

**Ohio**

1733.43 Exemption from franchise tax and report.

A credit union shall not be required to pay the annual tax imposed on domestic corporations for the privilege of exercising the corporate franchise, or to file the annual report on which such tax is computed.

**Oklahoma**

Silent

**Oregon**

723.752 Application of tax statutes to credit unions.

Any credit union subject to this chapter shall be deemed an institution for savings within the meaning of the law that exempts such institutions from taxation. No law, except as stated in this section, that taxes corporations in any form, or the shares thereof or the accumulations therein, shall apply to credit unions doing business in accordance with this chapter unless the credit unions are specifically named in the law.

#### 723.756 Stock transfer taxes.

The shares of any credit union shall not be subject to stock transfer taxes, either when issued or when transferred from one member to another.

#### 723.762 Participation in government programs.

The participation by a credit union in any government program providing unemployment, Social Security, old age pension or other benefits shall not be deemed a waiver of the taxation exemption hereby granted.

### **Pennsylvania**

#### § 517. Taxation.

A credit union incorporated under or subject to this title shall be deemed an institution for savings, and its assets, together with all the accumulation therein, shall not be subject to taxation except as to real estate owned by it. The shares of a credit union shall not be subject to a capital stock bonus tax or a stock transfer tax when issued by the corporation.

### **Rhode Island**

#### § 19-5-22 Tax on deposits.

The capital stock, corporate franchises, and personal property, but not the real estate, of credit unions shall be exempt from taxation; provided, however, that every credit union shall annually pay to the general treasurer forty cents (40¢) on each one hundred dollars (\$100) deposited with the credit union in the same manner as in financial institutions, the sums to be ascertained from a report to be made by the credit union to the director or the director's designee, on or before the fifteenth day in July of each year, of the total amount of the deposits in the credit union on the last business day in June in that year, and to be paid on or before the first Monday in August.

### **South Carolina**

#### SECTION 34-26-390. Exemption of credit union from business license tax.

Credit unions organized under this chapter are exempt from business license taxes.

**Tennessee**

45-4-803. State and federal credit unions to be equally subject to taxation.

Except for taxes on property and the credit union fees provided by law, no tax levied by this state, whether privilege, excise, franchise, sales or otherwise, shall be levied upon or be applicable to any credit union chartered under the laws of this state unless and until the same tax may be legally levied upon and be applicable to federally chartered credit unions in this state, in which case the tax shall be levied upon and be applicable to the state and federally chartered credit unions.

**Texas**

Sec. 122.106. EXEMPTION FROM CERTAIN TAXES.

- (a) Except as provided by Subsection (b), a credit union is exempt from a franchise or other license tax.
- (b) A credit union is not exempt from the franchise tax imposed by Chapter 171, Tax Code, unless the credit union is exempted by that chapter.
- (c) The intangible property of a credit union organized under this chapter is not taxable.

**Utah**

7-9-34. Tax exemption of credit unions.

- (1) Except as otherwise provided in this section, credit unions organized under this chapter or prior law are exempt from taxation.
- (2) Any real property or any tangible personal property owned by the credit union shall be subject to taxation to the same extent as other similar property is taxed.
- (3) For purposes of the corporate tax, credit unions shall be governed by Section 59-7-102.
- (4) This section does not exempt credit unions from sales or use taxes, or fees owed to the department in accordance with this title and rules of the department.

**Vermont**

§ 30901. Taxation.

Any credit union organized under this or any other credit union statute and all shares and deposits therein shall be exempt from all taxation imposed by this jurisdiction before or after the enactment of this section or any taxing authority within this jurisdiction, and no law which taxes corporations in any form, or the shares or deposits thereof, or the accumulations thereon, shall apply to any credit union, except that any real property and any tangible personal property owned by any credit union shall be

subject to taxation to the same extent as other similar property is taxed. However, this exception shall not permit the imposition of any sales or use taxes on the credit union. The shares of any credit union shall not be subject to transfer taxes, either when issued or when transferred from one member to another. The participation by a credit union in any government programs providing unemployment, Social Security, old age pension, or other benefits shall not be deemed a waiver of the taxation exemption hereby granted.

### **Virginia**

§ 6.2-1304. Franchise tax exemption.

All credit unions organized under the laws of the Commonwealth and doing business purely as credit unions shall be exempt from the payment of any franchise tax.

### **Washington**

RCW 31.12.860. Taxation of credit unions.

Neither a credit union nor its members may be taxed upon its shares and deposits as property. A credit union shall be taxable upon its real property and tangible personal property, and every credit union shall be termed a mutual institution for savings and neither it nor its property may be taxable under any law which exempts savings banks or institutions for savings from taxation. For all purposes of taxation, the assets represented by the regular reserve and other reserves, other than reserves for expenses and losses of a credit union, shall be deemed its only permanent capital, and in computing any tax, whether it be property, income, or excise, appropriate adjustment shall be made to give effect to the mutual nature of such credit union.

### **West Virginia**

§31C-2-8. Tax exemption.

(a) Any credit union organized under this or any other credit union act and all shares and deposits therein shall be exempt from all taxation now or hereafter imposed by this state or any taxing authority within this state. No law which taxes corporations in any form, or the shares or deposits thereof, or the accumulation thereon, shall apply to any such credit union; except that any real property and any tangible personal property owned by any such credit union shall be subject to taxation to the same extent as other similar property is taxed: *Provided*, That this exception shall not permit the imposition of any sales or use taxes on the credit union.

(b) The shares of any such credit union shall not be subject to stock, transfer taxes, either when issued or when transferred from one member to another.

(c) The participation by a credit union in any government program providing unemployment, social security, old age pension or other benefits shall not be deemed a waiver of the taxation exemption hereby granted.

**Wisconsin**

Silent

## Chapter 2

### Comparative Digest of Credit Union Acts: Penalty for False Reports

#### 2011 Model Credit Union Act:

Section 11.20. Penalty for False Reports.

Whoever knowingly spreads false reports about the management or finances of any credit union that would cause a reasonable consumer to question the solvency of the credit union, shall be guilty of a crime and subject to the fines and penalties provided for under the laws of this state and the federal government.



**Comparative Digest of Credit Union Acts\*: General Provisions  
Provisions from State Credit Union Acts**

**Penalty for False Reports**

\*There are 47 state credit union acts. Delaware, South Dakota and Wyoming do not have a state credit union act.

**Alabama**

§ 5-17-32. Same--False or omitted entries.

Any director, officer, committee member or employee of a credit union who with intent to defraud makes or concurs in making any false entry, or with intent to defraud omits or concurs in omitting to make any material entry on its books and accounts, shall be guilty of a Class C felony.

**Alaska**

Sec. 06.55.606. Criminal penalties.

(a) A person who intentionally makes a false statement, misrepresentation, or false certification in a record filed or required to be maintained under this chapter or who intentionally makes a false entry or omits a material entry in a record filed or required to be maintained under this chapter is guilty of a class C felony.

(b) A person who knowingly engages in an activity for which a money services license is required under this chapter without being licensed as a money services licensee and who receives more than \$500 in compensation within a 30-day period from this activity is guilty of a class C felony.

(c) A person who knowingly engages in an activity for which a money services license is required under this chapter without being licensed as a money services licensee and who receives no more than \$500 in compensation within a 30-day period from this activity is guilty of a class A misdemeanor.

**Arizona**

Silent

**Arkansas**

23-35-805. False reports about credit union.

(a) It is unlawful for any person, firm, corporation, or association to spread false reports about the management or finances of any credit union.

(b) Any person who willfully violates this section shall be guilty of a felony and upon conviction shall be fined not less than one hundred dollars (\$100) nor more than five hundred dollars (\$500) or shall be imprisoned in the state penitentiary for not less than thirty (30) days nor more than two (2) years, or both.

**California**

14756.

Any director, officer, agent, or employee of a credit union who (1) knowingly concurs in making or publishing any written report, exhibit, or statement of the credit union's affairs or financial condition containing any material statement which is false, or (2) having the custody of the credit union's books, willfully refuses or neglects to make any proper entry in those books as required by law, or (3) refuses to allow the books to be inspected or extracts to be taken therefrom by the commissioner or the commissioner's deputies or examiners, is guilty of a felony.

14759.

Any officer, director, employee, or agent of any credit union who willfully makes a false or untrue entry in any book, record, report, statement concerning the business or affairs of the credit union, or statement of condition or in connection with any transaction of the credit union with intent to deceive any officer or director thereof, or with intent to deceive any agent or examiner, whether private or public, employed or lawfully appointed to examine into the credit union's condition or to examine into any of the credit union's affairs or transactions, or with intent to deceive any public officer, office, or board to which the credit union is required by law to report or which has authority by law to examine into the credit union's affairs or transactions or to examine into any of the credit union's affairs or transactions or who, with like intent, willfully omits to make a new entry of any matter particularly pertaining to the business, property, condition, affairs, transactions, assets, or accounts of the credit union in any book, record, report, or statement of the credit union, or who with like intent alters, abstracts, conceals, or destroys any book, record, report, or statement of the credit union made, written, or kept, or required to be made, written, or kept by him or her or under his or her direction, is guilty of a felony.

**Colorado**

Silent

**Connecticut**

Silent

**Florida**

Silent

**Georgia**

Silent

**Hawaii**

Silent

**Idaho**

26-2117. PENALTIES FOR OFFICIAL MISCONDUCT.

. . . Any officer, director, committee member, agent or employee who knowingly makes or subscribes to false entries or exhibits a false or fictitious paper, instrument, or security to a person authorized to examine the credit union books and records shall be guilty of a felony. . . .

26-2137. FALSE REPORTS.

Any person, firm, corporation, or association which maliciously and knowingly spreads false reports about the management or finances of any credit union shall be guilty of a misdemeanor.

**Illinois**

Silent

**Indiana**

Silent

**Iowa**

533.508 False statements — penalties.

1. A director, officer, or employee of a state credit union shall not intentionally publish, disseminate, or distribute any advertising or notice containing any false, misleading, or deceptive statements concerning rates, terms, or conditions on which loans are made, or deposits or share installments are received, or concerning any charge which the state credit union is authorized to impose pursuant to this chapter, or concerning the financial condition of the state credit union. Any director, officer, or employee of a state credit union who violates the provisions of this section is guilty of a fraudulent practice.

2. Any person who maliciously or with intent to deceive makes, publishes, utters, repeats, or circulates any false statement concerning any state credit union which imputes or tends to impute insolvency, unsound financial condition or financial embarrassment, or which may tend to cause or provoke or aid in causing or provoking a general withdrawal of deposits from such state credit union, or which may otherwise injure or tend to injure the business or goodwill of such state credit union, is guilty of a simple misdemeanor.

**Kansas**

Silent

**Kentucky**

Silent

**Louisiana**

§668. Criminal Penalties.

Whoever knowingly makes any false statement or report for the purpose of influencing in any way the action of a credit union organized under this Chapter, upon any application, or loan, or any change or extension of any of the same, by refinance or otherwise, or the acceptance, release or substitution of security therefor, shall be fined not more than one thousand dollars or imprisoned not more than one year, or both.

**Maine**

Silent

## **Maryland**

§ 6-902. Making, circulating, or sending untrue statements.

(a) In general. -- A person may not willfully make, circulate, or send to another person any untrue statement that is derogatory to the financial condition or that affects the solvency or financial standing of any credit union doing business in the State, or counsel, aid, procure, or induce another to make, circulate, or send to another person such a statement.

(b) Penalty. -- A person that violates any provision of this section is guilty of a misdemeanor and on conviction is subject to a fine not exceeding \$ 1,000 or imprisonment not exceeding 3 years or both.

§ 6-903. Intentionally false statements or false records.

(a) Prohibited. -- An officer, official, or employee of a credit union may not willfully and knowingly make or cause to be made a false statement or false entry in the records of the credit union or, with the intent to deceive a person authorized to examine the affairs of the credit union, sign or exhibit false records.

(b) Penalties. -- An officer, official, or employee who violates any provision of this section is guilty of a felony and on conviction is subject to a fine not exceeding \$ 5,000 or imprisonment not exceeding 10 years or both.

## **Massachusetts**

Silent

## **Michigan**

Silent

## **Minnesota**

Silent

## **Missouri**

Silent

**Mississippi**

SEC. 81-13-71. Penal laws applicable.

The making of a wilfully false affidavit to any statement, report or other document required by law in connection with the establishment or operating of a credit union shall be perjury and punishable as such, according to the general laws of the state and the embezzlement of any of the funds, securities or other property of a credit union, shall be punishable as such according to the general laws.

**Montana**

32-3-207. Confidentiality -- penalties.

(3) An employee or agent of the department who violates this section or willfully makes a false official report as to the condition of a credit union is guilty of a felony and must be removed from office. Upon conviction, the person shall be fined an amount not exceeding \$1,000, be imprisoned in a state correctional facility for a term not exceeding 5 years, or both.

**Nebraska**

Silent

**Nevada**

NRS 678.880 Use of words "credit union" or conducting business as credit union by person not organized as credit union; spreading false report concerning management or finances of credit union.

2. Any person who maliciously and knowingly spreads false reports about the management or finances of any credit union is guilty of a gross misdemeanor.

NRS 678.890 Administrative fines.

In addition to any other remedy or penalty, the Commissioner may impose an administrative fine of not more than \$10,000 upon a person who:

2. Violates any provision of this chapter or any regulation adopted pursuant thereto.

**New Hampshire**

Silent

## **New Jersey**

17:13-111 Annual report by credit union; violations, penalties.

33. Every credit union shall submit a report in writing to the commissioner of its condition at the close of business on the 31st day of December. The report shall be submitted to the commissioner in a form and within the time specified by the commissioner by regulation. The report shall be verified by the oath of the president and the treasurer of the credit union, and the statement of assets and liabilities shall be verified by the oath of the examining committee that the statement is a true and correct statement of the condition of the credit union based on the audit or examination made by the examining committee as of the December 31 preceding the report. The credit union shall furnish the commissioner with any other reports as he may deem advisable. Any false statement or oath shall be deemed to be perjury.

17:13-112. Supervision and examination by commissioner; exhibition of papers and documents; subpoenas; perjury.

c. A person who shall willfully testify falsely to a material matter upon an oath administered by the commissioner or his representative upon an investigation or inquiry, or in regard to a report made by the commissioner, shall be guilty of perjury.

## **New Mexico**

58-11-62. Criminal liability.

Any credit union executive officer, director, committee member, employee or agent who willfully does any of the following is guilty of a fourth degree felony:

A. with intent to deceive, falsifies any books of account, report, statement, record or other document of a credit union whether by alteration, false entry, omission or otherwise;

B. signs, issues, publishes or transmits to a government agency any book of account, report, statement, record or other document which he knows to be false;

C. by means of deceit, obtains a signature to a writing which is a subject of forgery;

D. with intent to deceive, destroys any credit union book of account, statement, record or other document; or

E. divulges any information not lawfully required or specifically permitted concerning the affairs of the credit union or any member thereof which he has obtained solely by virtue of his position with the credit union and which information causes harm to the credit union or member.

**New York**

Silent

**North Carolina**

Silent

**North Dakota**

Silent

**Ohio**

Silent

**Oklahoma**

Silent

**Oregon**

723.816 Prohibited acts.

(1) No credit union officer, director, employee or agent, shall willfully:

(a) With intent to deceive, falsify any book of account, report, statement, record or other document of a credit union whether by alteration, false entry, omission or otherwise.

(b) Sign, issue, publish or transmit to a governmental office any book of account, report, statement, record or other document which the person knows to be false.

(c) By means of deceit, obtain a signature to a writing which is a subject of forgery.

(d) With intent to deceive, destroy any credit union book of account, report, statement, record or other document.

(2) No person shall maliciously and knowingly spread false reports about the management or finances of any credit union.

723.992 Criminal penalties.



(1) Violation of ORS 723.816 (1) is a Class C felony.

(2) Violation of ORS 723.816 (2) is a Class A misdemeanor.

### **Pennsylvania**

Silent

### **Rhode Island**

Silent

### **South Carolina**

Silent

### **Tennessee**

45-4-207. Unlawful actions.

(a) It is unlawful for an officer, director, employee or agent of a credit union to:

(2) With intent to deceive, make any false or misleading statement or entry or omit any statement or entry that should be made in any book, account, report or statement of the credit union; or

(b) A violation of this section is punishable as provided in § 45-4-208.

45-4-208. Penalty -- Liability of officers, etc.

(a) Any person responsible for an act or omission expressly declared to be a criminal offense by chapter 4 of this title commits:

(1) A Class A misdemeanor; and

(2) If the act or omission was intended to defraud, a Class E felony.

(b) An officer, director or employee of a credit union shall be responsible for an act or omission of the credit union declared to be a criminal offense pursuant to this chapter, whenever, knowing that the act or omission is unlawful, the officer, director or employee participates in authorizing or ratifying the omission or, having the duty to take the required action, omits to do so.

(c) Unless otherwise provided in this chapter, it shall be no defense to a criminal prosecution hereunder that the defendant did not know the facts establishing the criminal character of the act or omission

charged if the defendant could and should have known the facts in the proper performance of the defendant's duty.

### **Texas**

Sec. 122.254. FALSE STATEMENTS OR DOCUMENTS; DESTRUCTION OF RECORDS.

(a) A person commits an offense if the person, knowingly and with the intent to deceive:

(1) makes a false entry on a record, report, or statement of a credit union; or

(2) in connection with an examination or investigation of a credit union by the commissioner, a deputy commissioner, or the department's authorized examiner, exhibits a false paper, instrument, or security or gives under oath a false answer to a question directly related to the examination or investigation asked the person by the commissioner, the deputy commissioner, or the department's authorized examiner.

(b) A person commits an offense if the person knowingly removes, destroys, or conceals a record of the credit union for the purpose of concealing a fact or information from the commissioner, a deputy commissioner, or the department's authorized examiner.

(c) An offense under this section is a third degree felony.

### **Utah**

Silent

### **Vermont**

Silent

### **Virginia**

§ 6.2-1305. Making or circulating derogatory statements affecting credit unions; penalty.

Any person who willfully and maliciously makes, circulates, or transmits to another any statement or rumor that is untrue in facts and is directly or by inference derogatory to the financial condition or affects the solvency or financial standing of any credit union doing business in the Commonwealth, or who knowingly counsels, aids, procures, or induces another to start, transmit, or circulate any such statement or rumor, is guilty of a Class 3 misdemeanor.

**Washington**

RCW 31.12.850

Prohibited acts — Criminal penalties.

(1)(a) It is unlawful for a director, supervisory committee member, officer, employee, or agent of a credit union to knowingly violate or consent to a violation of this chapter.

(b) It is unlawful for any person to knowingly make or disseminate a false report or other misrepresentation about the financial condition of any credit union.

(c) Unless otherwise provided by law, a violation of this subsection is a misdemeanor under chapter 9A.20 RCW.

(2)(a) It is unlawful for a person to perform any of the following acts:

(i) To knowingly subscribe to, make, or cause to be made a false statement or entry in the books of a credit union;

(ii) To knowingly make a false statement or entry in a report required to be made to the director; or

(iii) To knowingly exhibit a false or fictitious paper, instrument, or security to a person authorized to examine a credit union.

(b) A violation of this subsection is a class C felony under chapter 9A.20 RCW.

**West Virginia**

§31C-12-1. Criminal liability.

Any credit union officer, director, employee or agent, who willfully does any of the following shall be deemed guilty of a felony and may, upon conviction thereof, be fined not more than ten thousand dollars or imprisoned not less than one year nor more than five years, or both:

(a) With intent to deceive, falsifies any books of account, report, statement, record or other document of a credit union whether by alteration, false entry, omission or otherwise;

(b) Signs, issues, publishes or transmits to a government agency any book of account, report, statement, record or other document which that person knows to be false;

(c) By means of deceit, obtains a signature to a writing which is the subject of forgery;

(d) With intent to deceive, destroys any credit union book of account, report, statement, record or other document.

§31C-12-2. Penalty for false reports.

Whoever maliciously and knowingly spreads false reports about the management or finances of any credit union shall be fined not less than twenty-five dollars, nor more than two hundred dollars or be imprisoned for not less than thirty days nor more than one year, or both.

**Wisconsin**

186.80 False statements.

(1) No officer, director, or employee of a credit union may do any of the following:

(a) Willfully and knowingly subscribe to or make, or cause to be made, a false statement or entry in the books of the credit union.

(b) Knowingly subscribe to or exhibit false information with the intent to deceive any person authorized to examine the affairs of the credit union.

(c) Knowingly make, state, or publish any false report or statement of the credit union.

## Chapter 3

### Comparative Digest of Credit Union Acts: Compliance Review Documents

#### 2011 Model Credit Union Act:

##### Section 11.30. Compliance Review Documents.<sup>2</sup>

(1) Compliance review documents are privileged and confidential and are nondiscoverable and nonadmissible. However, a credit union may, but is not required to, provide access to compliance review documents to an affiliate, regulatory agency, or share insurer, and the delivery of compliance review documents to such shall not constitute a waiver of the privilege granted in this section.

(2) This section shall not be construed to limit the discovery or admissibility in any civil action of any documents other than compliance review documents.

(3) For the purposes of this section, “compliance review documents” will include, but not be limited to, documents used to evaluate and seek to improve the credit union’s loan policies or underwriting standards, asset quality, financial reporting to federal or state governmental agencies, or compliance with federal or state statutory or regulatory requirements.

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<sup>2</sup> This provision was moved from the Definitions section and was clarified to specify the privacy of documents developed by credit unions in order to comply with applicable laws and regulations.

**Comparative Digest of Credit Union Acts\*: General Provisions  
Provisions from State Credit Union Acts**

**Compliance Review Documents**

\*There are 47 state credit union acts. Delaware, South Dakota and Wyoming do not have a state credit union act.

**Alabama**

Silent

**Alaska**

Sec. 06.55.407. Confidentiality. Article 05. PERMISSIBLE INVESTMENTS.

(a) Except as otherwise provided in (b) of this section, all information or reports obtained by the department from an applicant, a licensee, or an authorized delegate are confidential and not subject to disclosure under AS 40.25.100 - 40.25.295, including

- (1) all information contained in or related to examination, investigation, operating, or condition reports prepared by, on behalf of, or for the use of the department; and
- (2) financial statements, balance sheets, and authorized delegate information.

(b) The department may disclose information that is not otherwise subject to disclosure under (a) of this section to representatives of state or federal agencies who promise in a record that they will maintain the confidentiality of the information or if the department finds that the release is reasonably necessary for the protection of the public and in the interests of justice, and the money services licensee has been given previous notice by the department of its intent to release the information.

(c) This section does not prohibit the department from disclosing to the public a list of money services licensees or the aggregated financial data concerning those money services licensees.

(d) A money services licensee or an authorized delegate may not disclose to another person financial information provided to the money services licensee or the authorized delegate by a customer except when, and only to the extent that, the disclosure is

- (1) authorized in writing by the customer;
- (2) required by federal, state, or local law;
- (3) required by an order issued by a court or an administrative agency; or
- (4) part of the money services transaction ordered by the customer.

(e) In (d) of this section, "financial information" means an individual's social security number, individual taxpayer identification number, account number, credit card account number, debit card account number, personal identification number, payment instrument number, or access code.

**Arizona**

Silent

**Arkansas**

Silent

**California**

Silent

**Colorado**

Silent

**Connecticut**

Silent

**Florida**

Silent

**Georgia**

Silent

**Hawaii**

Silent

**Idaho**

Silent

## Illinois

(205 ILCS 305/9.1)

Sec. 9.1. Disclosures of reports of examinations and confidential supervisory information; limitations.

(1) Any report of examination, visitation, or investigation prepared by the Secretary under this Act or by the state regulatory authority charged with enforcing the Electronic Fund Transfer Act or the Corporate Fiduciary Act or by the state regulatory authority of another state that examines an office of an Illinois credit union in that state, any document or record prepared or obtained in connection with or relating to any examination, visitation, or investigation, and any record prepared or obtained by the Secretary to the extent that the record summarizes or contains information derived from any report, document, or record described in this subsection shall be deemed "confidential supervisory information". Confidential supervisory information shall not include any information or record routinely prepared by a credit union and maintained in the ordinary course of business or any information or record that is required to be made publicly available pursuant to State or federal law or rule.

(2) Confidential supervisory information is privileged from discovery and shall only be disclosed under the circumstances and for the purposes set forth in this Section.

(3) Relevant confidential supervisory information may be disclosed under a statute that by its terms or by rules promulgated thereunder requires the disclosure of confidential supervisory information other than by subpoena, summons, warrant, or court order; to the appropriate law enforcement authorities when the Secretary or the credit union reasonably believes the credit union, which the Secretary has caused to be examined, has been a victim of a crime; to other agencies or entities having a legitimate regulatory interest; to the credit union's board, officers, retained professionals, and insurers; to persons seeking to merge with or purchase all or part of the assets of the credit union; and where disclosure is otherwise required for the benefit of the credit union. Disclosure of confidential supervisory information to these persons does not constitute a waiver of the legal privilege otherwise available with respect to the information.

(4) A person to whom confidential supervisory information is disclosed shall not further disseminate confidential supervisory information.

(5) (a) Any person upon whom a demand for production of confidential supervisory information is made, whether by subpoena, order, or other judicial or administrative process, must withhold production of the confidential supervisory information and must notify the Secretary of the demand, at which time the Secretary is authorized to intervene for the purpose of enforcing the limitations of this Section or seeking the withdrawal or termination of the attempt to compel production of the confidential supervisory information.

(b) Any request for discovery or disclosure of confidential supervisory information, whether by subpoena, order, or other judicial or administrative process, shall be made to the Secretary, and the Secretary shall determine within 15 days whether to disclose the information pursuant to procedures and standards that the Secretary shall establish by rule. If the Secretary determines that such information will not be disclosed, the Secretary's decision shall be subject to judicial review under the provisions of the Administrative Review Law, and venue shall be in either Sangamon County or Cook County.

(c) Any court order that compels disclosure of confidential supervisory information may be immediately appealed by the Secretary and the order shall be automatically stayed pending the outcome of the appeal.



## Indiana

Silent

## Iowa

533.108 Records of credit union division.

1. a. Records of the credit union division are public records subject to the provisions of chapter 22, except as otherwise provided in this chapter.
- b. Papers, documents, writings, reports, reports of examinations and other information relating specifically to the supervision and regulation of a specific state credit union or of other persons by the superintendent pursuant to the laws of this state are not public records and shall not be open for examination or copying by the public or for examination or publication by the news media.
- c. The superintendent or an employee of the credit union division shall not disclose information relating specifically to the supervision and regulation of a specific state credit union or of other persons in any manner to any person other than the person examined, except as otherwise authorized by this section or section 533.113 or 533.308.
- d. Notwithstanding the prohibition on disclosure pursuant to paragraph “c”, the superintendent or an employee of the credit union division may disclose information relating specifically to the supervision and regulation of a specific state credit union or of other persons if the credit union or other person consents in writing to the disclosure and the persons to whom the disclosures are made are subject to, or agree to comply with, standards of confidentiality comparable to those contained in this chapter.
2. a. The superintendent or an employee of the credit union division shall not be subpoenaed in any cause or proceeding to give testimony concerning papers, documents, writings, reports, reports of examinations, or other information relating to the supervision and regulation of a specific state credit union or persons by the superintendent pursuant to the laws of this state.
- b. The papers, documents, writings, reports, reports of examinations, and other information of the credit union division that relate to the supervision and regulation of a specific state credit union or persons shall not be offered in evidence in a court or be subject to subpoena by a party, except when relevant in the following matters:
  - (1) In actions or proceedings brought by the superintendent.
  - (2) In matters in which an interested and proper party seeks review of a decision of the superintendent.
  - (3) In actions or proceedings that arise out of the criminal provisions of the laws of this state or of the United States.
  - (4) In actions brought as shareholder derivative suits against a credit union by a member who has acquired an ownership share.

(5) In actions brought to recover moneys or to recover upon an indemnity bond for embezzlement, misappropriation, or misuse of credit union funds.

3. a. Information, records, and documents utilized for the purpose of, or in the course of, investigation, regulation, or examination of a specific credit union, received by the credit union division from some other governmental entity that treats such information, records, and documents as confidential, are confidential and shall not be disclosed by the division and are not subject to subpoena.

b. Information, records, and documents under paragraph "a" do not constitute a public record subject to examination and copying under chapter 22.

c. The superintendent may exchange with governmental regulatory officials confidential information, records, and documents that are not a public record subject to examination and copying under chapter 22 provided that the other officials are subject to, or agree to comply with, standards of confidentiality comparable to those contained in this section.

### **Kansas**

17-2227: Information concerning credit unions; disclosure authorized; otherwise confidential; exceptions.

(a) All information secured or produced by the administrator in making an investigation or examination of any credit union shall be deemed confidential information.

(b) All such confidential information shall be the property of the state of Kansas and shall not be subject to disclosure except upon written approval of the administrator.

(c) Confidential information may be disclosed to federal or state agencies when necessary in the performance of their official duties or functions. No employees of such agencies may disclose such confidential information without express written authorization of the administrator.

(d) Confidential information may be disclosed to the private insurer of any credit union regarding the credit union insured by such insurer when necessary in the performance of their official duties or functions. No employees of such private insurer may disclose such confidential information without express written authorization of the administrator.

(e) Confidential information may be released to other third parties if, in the administrator's determination, good cause exists for the disclosure. The administrator shall give prior notice of intent to disclose such information to the affected credit union. No person or other third party may disclose such confidential information without express written authorization of the administrator.

(f) Confidential information shall not otherwise be disclosed except as rendered necessary by law or under order of the court in an action involving credit unions or in criminal actions.

**Kentucky**

286.6-185 Confidentiality.

(2) No officer or director of a credit union or employee of the department shall release any information contained in the report of examination, except so far as necessary in the performance of his official duties as provided by law.

(3) The department may furnish to and exchange information and reports with officials and examiners of other properly authorized state or federal regulatory authorities.

(4) Every official report concerning a credit union and every report of an examination shall be prima facie evidence of the facts therein stated for all purposes in any action in which the department or credit union is a party. Such reports shall not be made public except when required in proper legal proceedings.

**Louisiana**

Silent

**Maine**

Silent

**Maryland**

§ 6-909. Disclosure of credit union information.

(a) In general. -- Except as otherwise provided in this article, the Commissioner and the employees of and the attorney for the Commissioner's office may not disclose:

(3) Any information obtained in the course of examining a credit union; or . . .

(b) Disclosures not prohibited. -- This section does not apply to any information that a person discloses:

(1) In performing a public duty to report on or take special action about the business of a credit union;

(2) In testifying as a witness in a criminal proceeding; or

(3) In informing any official, officer, employee, or agent of a credit union under examination of the results of that examination.

## **Massachusetts**

Silent

## **Michigan**

490.207 Examination by commissioner; conduct; report.

(1) The commissioner or his or her authorized agent shall examine the condition and affairs of each domestic credit union, and may examine the condition and affairs of any subsidiary of a domestic credit union, not less frequently than once every 18 months. The commissioner shall determine whether the domestic credit union transacts its business in the manner prescribed by law and the rules promulgated under law.

(6) The contents of a report of examination of a domestic credit union and examination-related documents prepared or obtained under this section remain the property of the commissioner. A person who disseminates all or part of a domestic credit union's report of examination for purposes other than the legitimate business purposes of the domestic credit union or as otherwise authorized by this act violates this act and is subject to the administrative remedies granted the commissioner under this part.

## **Minnesota**

Silent

## **Mississippi**

Silent

## **Missouri**

Confidentiality oath required, exceptions--confidentiality of information.

370.102. 1. To ensure the integrity of the examination process, the director of the division of credit unions and all employees of the division of credit unions, and its special agents, shall be bound under oath to keep secret all facts and information obtained in the course of all examinations and investigations except:

(1) To the extent that the public duty of the director requires the director to report information to another government official or agency or take administrative or judicial enforcement action regarding the affairs of a state-chartered credit union;

(2) When called as a witness in a court proceeding relating to such state-chartered credit union's safety and soundness or in any criminal proceeding;

(3) When reporting on the condition of the state-chartered credit union to the officers and directors of the state-chartered credit union;

(4) When reporting findings to a complainant, provided the disclosure is limited to such complainant's account information;

(5) When exchanging information with any agency which regulates financial institutions under federal law or the laws of any state when the director of the division of credit unions determines that the sharing of information is necessary for the proper performance by the director of the division of credit unions and the other agencies, that such information will remain confidential as though subject to section 370.101 and this section and that said agencies routinely share information with the division of credit unions;

(6) When authorized by the state-chartered credit union's board of directors to provide the information to anyone else; or

(7) When disclosure is necessary or required, the director may set conditions and limitations, including an agreement of confidentiality or a judicial or administrative protective order.

2. In all other circumstances, facts and information obtained by the director of the division of credit unions and the employees and special agents of the division of credit unions through examinations or investigations shall be held in confidence absent a court's finding of compelling reasons for disclosure. Such finding shall demonstrate that the need for the information sought outweighs the public interest in free and open communications during the examination or investigation process. To assure a meaningful hearing, any state-chartered credit union that is not already a party to the judicial proceeding and whose information is the subject of a records request or subpoena shall be joined or notified and permitted to intervene in the hearing and to participate regarding the production request or subpoena. In no event shall a state-chartered credit union, or any officer, director, or employee thereof, be charged with libel, slander, or defamation for any good faith communications with the director of the division of credit unions or any employees of the division of credit unions.

## **Montana**

32-3-207. Confidentiality -- penalties.

(1) (a) Any report of examination issued under 32-3-203, any report made by a credit union under 32-3-202, and any other credit union documentation maintained by the department of administration, other than those reports that are required to be published, must be considered confidential information. The information may not be imparted to persons who are not officially associated with the department, and the information contained in the reports and statements may be used by the department only in the furtherance of its official duties.

(b) The department may exchange information with federal credit union regulatory agencies and with the financial regulatory departments of other states. The department may furnish information to the legislative auditor for use in pursuit of official duties. A prosecuting official may obtain the information

by court order.

(2) Any knowledge or information gained or discovered by the department in pursuance of its powers or duties is confidential information of the department. The information may not, except as provided in subsection (1)(b), be imparted to any person not officially associated with the department. The information may be used by the department only in the furtherance of its official duties.

(3) An employee or agent of the department who violates this section or willfully makes a false official report as to the condition of a credit union is guilty of a felony and must be removed from office. Upon conviction, the person shall be fined an amount not exceeding \$1,000, be imprisoned in a state correctional facility for a term not exceeding 5 years, or both.

### **Nebraska**

Silent

### **Nevada**

Silent

### **New Hampshire**

Silent

### **New Jersey**

Silent

### **New Mexico**

58-11-8. Records of the division.

A. Information from the records of the division, including division examination reports of which a credit union has possession, is not public records, shall be revealed only with the consent of the director and is not subject to subpoena.

B. Reports of examinations made by the division shall be retained for five years.

C. A copy of any document on file with the division which is certified by the director as being a true copy may be introduced in court as if it were the original.

**New York**

Silent

**North Carolina**

Silent

**North Dakota**

Silent

**Ohio**

Silent

**Oklahoma**

§6-3002. Compliance review documents - Confidentiality - Discovery or admissibility.

A. For purposes of this section:

1. "Depository institution" means a state-chartered or federally chartered financial institution located in this state that is authorized to maintain deposit or share accounts;
2. "Compliance review committee" means:
  - a. an audit, loan review or compliance committee appointed by the board of directors of a depository institution, or
  - b. any other person to the extent the person acts in an investigatory capacity at the direction of a compliance review committee;
3. "Compliance review documents" means documents prepared for or created by a compliance review committee;
4. "Loan review committee" means a person or group of persons who, on behalf of a depository institution, reviews loans held by the institution for the purpose of assessing the credit quality of the loans, compliance with the loan policies of the institution, and compliance with the applicable laws and regulations; and
5. "Person" means an individual, group of individuals, board, committee, partnership, firm, association, corporation, or other entity.

B. This section applies to a compliance review committee whose functions are to evaluate and seek to improve:

1. Loan underwriting standards;
2. Asset quality;
3. Financial reporting to federal or state regulatory agencies; or
4. Compliance with federal or state statutory or regulatory requirements.

C. Except as provided in subsection D of this section:

1. Compliance review documents are confidential and are not discoverable or admissible in evidence in any civil action arising out of matters evaluated by the compliance review committee; and
2. Compliance review documents delivered to a federal or state governmental agency remain confidential and are not discoverable or admissible in evidence in any civil action arising out of matters evaluated by the compliance review committee.

D. Subsection C of this section does not apply to any information required by statute or regulation to be maintained by or provided to a governmental agency while the information is in the possession of the governmental agency to the extent applicable law expressly authorizes its disclosure.

E. This section may not be construed to limit the discovery or admissibility in any civil action of any documents that are not compliance review documents, nor may it be construed to limit the discovery or admissibility of any relevant documents which reflect evidence of fraud committed by an insider of a depository institution, to the extent those documents are otherwise discoverable or admissible.

## **Oregon**

Silent

## **Pennsylvania**

Silent

## **Rhode Island**

Silent

## **South Carolina**

Silent



## Tennessee

Silent

## Texas

Sec. 126.002. CONFIDENTIALITY OF INFORMATION.

(a) Except as provided by Subsections (b) and (c), information obtained directly or indirectly by the department in any manner, including by application or examination, concerning the financial condition or business affairs of a credit union and the files and records of the department relating to that information, except a statement intended for publication, are confidential.

(b) Confidential information may not be disclosed to a member of the commission, and a member of the commission may not be given access to the files or records of the department, except that the commissioner may disclose to the commission information, files, and records pertinent to a hearing or matter pending before the commission or the commissioner.

(c) The commissioner may disclose the information described by Subsection (a) to a law enforcement agency or another department, agency, or instrumentality of this state, another state, or the United States if the commissioner determines that disclosure is necessary or proper to enforce the laws of this state applicable to credit unions.

(d) Information obtained by the department from a federal or state supervisory agency that is confidential under federal law or the laws of that state may not be disclosed except as provided by the applicable federal or state law.

(e) Confidential information that is provided by the department to a credit union, organization, or service provider of a credit union, whether in the form of a report of examination or otherwise, is the confidential property of the department. The recipient or an officer, director, employee, or agent of the recipient may not make the information public and may not disclose the information to a person not officially connected to the recipient as an officer, director, employee, attorney, auditor, or independent auditor, except as authorized by rules adopted under this subtitle.

(f) Discovery of confidential information from a person subject to this subtitle or Chapter 15 under subpoena or other legal process must comply with rules adopted under this subtitle, Chapter 15, and any other applicable law. The rules may:

(1) restrict release of confidential information to the portion directly relevant to the legal dispute at issue; and

(2) require that a protective order, in a form and under circumstances specified by the rules, be issued by a court before release of the confidential information.

## **Utah**

Silent

## **Vermont**

§ 30602. Confidentiality of investigation and examination reports.

(a) Regardless of source, all records of investigations, including information pertaining to a complaint by or for a consumer, and all records and reports of examinations by the commissioner, whether in the possession of a supervisory agency or another person, shall be confidential and privileged, shall not be made public, and shall not be subject to discovery or introduction into evidence in any private civil action. No person who participated on behalf of the commissioner in an investigation or examination shall be permitted or required to testify in any such civil action as to any findings, recommendations, opinions, results, or other actions relating to the investigation or examination. The commissioner may, in his or her discretion, disclose, publish, or authorize the disclosure or publication of any such record or report or any part thereof to civil or criminal law enforcement authorities for use in the exercise of such authority's duties, in such manner as the commissioner may deem proper.

(b) For the purposes of this section, records of investigations and records and reports of examinations shall include joint examinations by the commissioner and any other supervisory agency. When such records are considered confidential by such agency or foreign government and the records are in the possession of the commissioner, records of investigations and reports of examinations shall also include records of examinations and investigations conducted by:

(1) any supervisory agency; and

(2) the supervisory agency of any foreign government with jurisdiction over any credit union.

## **Virginia**

Silent

## **Washington**

RCW 31.12.565

Examination reports and specified other information confidential — Exceptions — Penalty.

(1) The following are confidential and privileged and not subject to public disclosure under chapter 42.56 RCW:

(a) Examination reports and information obtained by the director in conducting examinations and

investigations under this chapter and chapter 31.13 RCW;

(b) Examination reports and related information from other financial institution regulators obtained by the director;

(c) Reports or parts of reports accepted in lieu of an examination under RCW 31.12.545; and

(d) Business plans and other proprietary information obtained by the director in connection with a credit union's application or notice to the director.

(2) Notwithstanding subsection (1) of this section, the director may furnish examination reports, work papers, final orders, or other information obtained in the conduct of an examination or investigation prepared by the director to:

(a) Federal agencies empowered to examine credit unions or other financial institutions;

(b) Officials empowered to investigate criminal charges. The director may furnish only that part of the report which is necessary and pertinent to the investigation, and only after notifying the affected credit union and members of the credit union who are named in that part of the examination report, or other person examined, that the report is being furnished to the officials, unless the officials requesting the report obtain a waiver of the notice requirement for good cause from a court of competent jurisdiction;

(c) The examined credit union or other person examined, solely for its confidential use;

(d) The attorney general in his or her role as legal advisor to the director;

(e) Prospective merger partners or conservators, receivers, or liquidating agents of a distressed credit union;

(f) Credit union regulators in other states or foreign jurisdictions regarding an out-of-state or foreign credit union conducting business in this state under this chapter, or regarding a credit union conducting business in the other state or jurisdiction;

(g) A person officially connected with the credit union or other person examined, as officer, director, supervisory committee member, attorney, auditor, accountant, independent attorney, independent auditor, or independent accountant;

(h) Organizations that have bonded the credit union to the extent that information is relevant to the renewal of the bond coverage or to a claim under the bond coverage;

(i) Organizations insuring or guaranteeing the shares of, or deposits in, the credit union; or

(j) Other persons as the director may determine necessary to protect the public interest and confidence.

(3) Examination reports, work papers, temporary and final orders, consent orders, and other information obtained in the conduct of an examination or investigation furnished under subsection (2) of this section remain the property of the director and no person to whom reports are furnished or any officer, director, or employee thereof may disclose or make public the reports or information contained in the reports except in published statistical information that does not disclose the affairs of a person, except that nothing prevents the use in a criminal prosecution of reports furnished under subsection (2)(b) of this section.

(4) In a civil action in which the reports or information are sought to be discovered or used as evidence, a party may, upon notice to the director, petition the court for an in-camera review of the reports or information. The court may permit discovery and introduction of only those portions of the report or information which are relevant and otherwise unobtainable by the requesting party. This subsection does not apply to an action brought or defended by the director.

(5) This section does not apply to investigation reports prepared by the director concerning an application for a new credit union or a notice of intent to establish a branch of a credit union, except that the director may adopt rules making portions of the reports confidential, if in the director's opinion the public disclosure of that portion of the report would impair the ability to obtain information the director considers necessary to fully evaluate the application.

(6) Any person who knowingly violates a provision of this section is guilty of a gross misdemeanor.

## **West Virginia**

Silent

## **Wisconsin**

Silent

Appendix A

Tax Exemption																										
	AL	AK	AZ	AR	CA	CO	CT	FL	GA	HI	ID	IL	IN	IA	KS	KY	LA	ME	MD	MA	MI	MN	MS	MO		
Tax exemption in the Credit Union Act	•	•		•		•			•	•	•					•	•		•		•		•			
	MT	NE	NV	NH	NJ	NM	NY	NC	ND	OH	OK	OR	PA	RI	SC	TN	TX	UT	VT	VA	WA	WV	WI			
Tax exemption in the Credit Union Act	•		•			•	•	•	•	•		•	•	•	•	•	•	•	•	•	•			•		

## Appendix B

Penalty for False Reports																								
	AL	AK	AZ	AR	CA	CO	CT	FL	GA	HI	ID	IL	IN	IA	KS	KY	LA	ME	MD	MA	MI	MN	MS	MO
<b>Penalty in the Credit Union Act</b>	•	•		•	•						•			•			•		•		•		•	
<b>Requires Intent</b>	•	•		•	•						•			•			•		•				•	
<b>Felony</b>	•																		•					
<b>Misdemeanor</b>				•	•												•							
<b>Depends on facts (felony or misdemeanor)</b>		•									•			•							•			
<b>Perjury (NJ does not classify crimes as felonies or misdemeanors)</b>																								
	MT	NE	NV	NH	NJ	NM	NY	NC	ND	OH	OK	OR	PA	RI	SC	TN	TX	UT	VT	VA	WA	WV	WI	
<b>Penalty in the Credit Union Act</b>	•		•		•	•						•				•	•			•	•	•	•	
<b>Requires Intent</b>	•		•		•	•						•				•	•			•	•	•	•	
<b>Felony</b>	•					•											•						•	
<b>Misdemeanor</b>			•																	•				
<b>Depends on facts (felony or misdemeanor)</b>												•				•					•	•		
<b>Perjury (NJ does not classify crimes as felonies or misdemeanors)</b>					•																			

