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May 6, 2019

Robert E. Feldman, Executive Secretary
Attention: Comments/Legal
Federal Deposit Insurance Corporation
550 17th Street NW, Washington, DC 20429

Via email comments@fdic.gov

Re: RIN 3064-AF04

Mr. Feldman,

The following comments are submitted on behalf of the Independent Bankers Association of Texas (“IBAT”), a trade association representing more than 350 independent, community banks domiciled in Texas.

IBAT submits these comments in response to the advanced notice of proposed rulemaking (“Proposal”) that would amend the regulation governing one of the requirements for an account to be separately insured as a joint account. Specifically, the proposed rule would provide an alternative method to satisfy the “signature card” requirement. Under the proposal, the “signature card” requirement could be satisfied by information contained in the deposit account records of the insured depository institution establishing co-ownership of the deposit account, such as evidence that the institution has issued a mechanism for accessing the account to each co-owner or evidence of usage of the deposit account by each co-owner.

The Proposal would amend section 330.9 of the Federal Deposit Insurance Act to allow the “signature card” requirements to be satisfied by various forms of documentation used in the account opening process. The Proposal would also specifically allow electronic signatures to be used to satisfy the “signature card” requirements.

Many states impose requirements on multi-party accounts that can be used in establishing co-ownership of deposit accounts. For example, Texas banks are required by statute to use a Uniform Single-Party or Multiple-Party Account Selection Form prior to account opening that is part of the deposit account records. We recommend this rule clearly states that it does not preempt any state law that establishes requirements for signatures to establish ownership rights. Absent a signature of the party to be bound, there is no survivorship rights or “pay on death” beneficiary.

Texas and forty-seven other states have adopted the Uniform Electronic Transactions Act granting electronic signatures and records the same status

as “wet” or original signatures. This proposal allowing electronic signatures and “various forms of documentation” merely recognizes the technological advances in today’s banking environment and poses no impediment to the FDIC having accurate records to correctly calculate insurance coverage.

As always, thank you for consideration of our comments and concerns.

Sincerely,



Christopher L. Williston, CAE
President and CEO