

Comptroller of the Currency, Treasury

§ 8.2

(2) The deterrence of misuse by customers of banking services;

(3) The enhancement of the competitive position of the bank in accordance with the bank's marketing strategy; and

(4) The maintenance of the safety and soundness of the institution.

(c) *Interest.* Charges and fees that are "interest" within the meaning of 12 U.S.C. 85 are governed by §7.4001 and not by this section.

(d) *State law.* The OCC evaluates on a case-by-case basis whether a national bank may establish non-interest charges or fees pursuant to paragraphs (a) and (b) of this section notwithstanding a contrary state law that purports to limit or prohibit such charges or fees. In issuing an opinion on whether such state laws are preempted, the OCC applies preemption principles derived from the Supremacy Clause of the United States Constitution and applicable judicial precedent.

(e) *National bank as fiduciary.* This section does not apply to charges imposed by a national bank in its capacity as a fiduciary, which are governed by 12 CFR part 9.

8.2 Semiannual assessment.

8.6 Fees for fiduciary activities examinations, special examinations and investigations fees, examination of affiliates, examinations related to corporate activities.

8.7 Payment of interest on delinquent assessments and examination and investigation fees.

8.8 Notice of Comptroller of the Currency fees.

AUTHORITY: 12 U.S.C. 93a, 481, 482, and 3102 and 3108; 15 U.S.C. 78c and 78l; and 26 D.C. Code 102.

§8.1 Scope and application.

The assessments contained in this part are made pursuant to the authority contained in 12 U.S.C. 93A, 481, 482 and 3102; 15 U.S.C. 78 c and l; and 26 D.C. Code 102.

[55 FR 49842, Nov. 30, 1990]

§8.2 Semiannual assessment.

(a) Each national bank and each District of Columbia bank shall pay to the Comptroller of the Currency a semi-annual assessment fee, due by January 31 and July 31 of each year, for the six-month period beginning 30 days before each payment date. The amount of the semiannual assessment paid by each bank is computed as follows:

PART 8—ASSESSMENT OF FEES; NATIONAL BANKS; DISTRICT OF COLUMBIA BANKS

Sec. 8.1 Scope and application.

If the banks' total assets (consolidated domestic and foreign subsidiaries) are:		The semiannual assessment is:			
Over—	But not over—	This amount—	Plus	Of excess over—	
Column A	Column B	Base amount	Marginal rates		
Column A	Column B	Column C	Column D	Column E	
Million	Million			Million	
\$0	\$2	\$0	Y1	\$0	
2	20	X1	Y2	2	
20	100	X2	Y3	20	
100	200	X3	Y4	100	
200	1,000	X4	Y5	200	
1,000	2,000	X5	Y6	1,000	
2,000	6,000	X6	Y7	2,000	
6,000	20,000	X7	Y8	6,000	
20,000	40,000	X8	Y9	20,000	
40,000		X9	Y10	40,000	

(1) Every national bank falls into one of the ten asset-size brackets denoted by Columns A and B. A bank's semi-annual assessment is composed of two

parts. The first part is the calculation of a base amount of the assessment, which is computed on the assets of the bank up to the lower endpoint (Column