Chapter 713

1965 REPLACEMENT PART

Foreign Banks and Trust Companies

713.010 Application of Bank Act to foreign banks and trust companies
713.020 Application of general foreign corporation laws
713.030 Capital and surplus requirements; notice of deficit; penalty for failure to restore
713.040 Advertising greater capital, surplus or undivided profits than actually maintained
713.050 Filing evidence of responsibility of parent organization
713.060 Acceptance of drafts and bills of exchange
713.070 Mortgage loans; certificate authorizing; license fee
713.080 Certain companies desiring to make mortgage loans must file resolution as to business to be transacted
713.090 Reports to superintendent
713.100 Discontinuance of operations in state
713.110 Forfeiture for violation of chapter; action to recover

CROSS REFERENCES

"Bank Act" defined, 706.010
Bank deposits and collections, Ch. 74
Business hours, closing on Saturday and holidays, 187.030, 707.430
"Foreign bank," "foreign banker" and "foreign trust company" defined, 706.070
Foreign banks, regulation of, 708.005 to 708.060
Political contributions, 260.280
State development credit corporations, Ch. 63
Trust deed, trustee for, 86.790
Unclaimed property, disposition of, 98.302 to 98.436

713.030

Paid-up cash capital stock requirements, 707.050

713.040

Advertising greater capital, surplus or undivided profits than actually maintained, 708.725

713.090

Reports to superintendent generally, 706.720

713.010 Application of Bank Act to foreign banks and trust companies. (1) Every foreign bank or trust company doing business in this state is subject to all the provisions of the Bank Act to the same extent as banks, bankers or trust companies organized or doing business under or by virtue of the laws of this state.

(2) No foreign copartnership, firm, joint stock company, association or corporation shall hold real or personal property in trust in this state, nor act in any trust fiduciary capacity therein. However, a corporation qualified to act as a trust company in the state of its domicile, including a national bank which has been granted permission by the appropriate authorities of the United States to act in a trust and fiduciary capacity, may act as trustee for an issue of bonds, debentures or notes issued under the terms of a mortgage or deed of trust duly recorded in some county in this state, either jointly with some trust company which has complied with all the provisions of the Bank Act, or as sole trustee under such mortgage or deed of trust, without complying with all the provisions of the Bank Act, after it has qualified and been admitted, under certificate issued by the Superintendent of Banks, to transact business in this state. The prohibition contained in the first sentence of this subsection shall not apply to any foreign bank or trust company having a branch office in this state and lawfully doing a trust business therein, on December 31, 1964.

(3) The Bank Act does not apply to any foreign copartnership, firm, joint stock company, association or corporation engaged in the business of loaning money on mortgage security which does not accept deposits or receive from citizens or residents of this state property or money in trust on deposit or for investment.

[Amended by 1965 c.170 §2]

713.020 Application of general foreign corporation laws. Every foreign corporation, doing a limited trust business in this state within the provisions of ORS 713.010, other than the loaning of money on mortgage security, shall, in addition to the other requirements of the Bank Act, comply with all the laws of this state relating to foreign corporations, except that all declarations, powers of attorney, articles of incorporation, annual reports and all other papers whatsoever required by said laws to be filed with the Corporation Commissioner shall be filed with the Superintendent of Banks, and all filing fees, annual license fees and moneys whatsoever payable to the Corporation Commissioner shall be paid by such foreign corporation to the Superintendent of Banks, who shall issue to it the certificate of authority to transact business in this state, provided for in such foreign corporation laws.

[Amended by 1965 c.170 §3]

713.030 Capital and surplus requirements; notice of deficit; penalty for failure to restore. (1) Every foreign bank or trust company maintaining one or more offices in this state shall have and at all times maintain at every such office a capital of not less than the amount required by the Bank Act for the organization of other banks or trust companies.

(2) Such foreign bank, banker or trust company shall maintain at each such office a capital and surplus equal to at least 10 percent of the deposit liabilities at such office of the foreign bank, banker or trust company.

(3) If at any time the capital and surplus at any such office of the foreign bank, banker or trust company is less than 10 percent of the deposit liabilities at such office, the managing officer in charge of the foreign bank, banker or trust company in this state shall immediately notify the Superintendent of Banks and the main office of the parent institution of such deficit in capital funds. If the capital and surplus is not restored to the minimum requirements provided in this section on or before 30 days after the date on which the deficit first occurred, the Superintendent of Banks may, in his discretion, invoke the penalty prescribed by ORS 713.110.

713.040 Advertising greater capital, surplus or undivided profits than actually maintained. No foreign bank, banker or trust company shall advertise or set forth on the stationery of such bank or trust company or otherwise a greater capital, surplus or undivided profits than are actually maintained at any office or offices in this state.

713.050 Filing evidence of responsibility of parent organization. Foreign banks, bankers or trust companies doing business within this state under ORS 713.010 or 713.030 shall file with the Superintendent of Banks such evidence as he may require showing that the entire capital and surplus

of the parent bank or parent corporation is and shall be responsible or liable for all liabilities or obligations of the branch bank or trust company.

713.060 Acceptance of drafts and bills of exchange. Drafts or bills of exchange may be accepted by any foreign bank, banker or trust company doing business in this state based upon its or his entire paid-up capital and surplus without regard to the amount thereof maintained in this state, but not exceeding 10 percent thereof to any one person, firm, company or corporation at any one time.

713.070 Mortgage loans; certificate authorizing; license fee. Any foreign bank or trust company may obtain from the Superintendent of Banks a certificate authorizing such foreign bank or trust company to make mortgage loans within the State of Oregon upon filing application therefor, together with a certified copy of its articles of incorporation, and upon payment to the Superintendent of Banks of an annual license fee of $200.

713.080 Certain companies desiring to make mortgage loans must file resolution as to business to be transacted. If any foreign copartnership, firm, joint stock company, association or corporation whose name contains the word "trust" or whose articles of incorporation empower it to do a trust business, desires to engage in the business of loaning money on mortgages in this state it shall file with the Superintendent of Banks, in addition to its articles of incorporation or association, a resolution of its governing board, duly attested by its president and secretary, expressly stating that it will not receive deposits in the State of Oregon, or accept from citizens or residents of the State of Oregon property or money in trust or for investment or act in any capacity except as authorized by ORS 713.010 and 713.020.

713.090 Reports to superintendent. Every foreign copartnership, association or corporation qualified to do business in this state under this chapter, shall file reports under oath with the Superintendent of Banks in such form as he may prescribe and giving such information as he deems necessary.

713.100 Discontinuance of operations in state. Before any foreign copartnership, association or corporation which has qualified under this chapter, discontinues its operations in this state it shall file a sworn statement with the Superintendent of Banks to the effect that there are no obligations outstanding in this state which would require it to qualify under this chapter, and that it will not thereafter transact any business in this state without complying with the statutory provisions.

713.110 Forfeiture for violation of chapter; action to recover. Any person, copartnership, association or corporation violating any provision of this chapter shall forfeit to the State Banking Fund $100 for each day during which such offense continues. Such penalty shall be recovered in the name of the Superintendent of Banks in a suit brought by the Attorney General, whose duty it shall be to enforce this section.

CERTIFICATE OF LEGISLATIVE COUNSEL

Pursuant to ORS 173.170, I, Sam R. Haley, Legislative Counsel, do hereby certify that I have compared each section printed in this chapter with the original section in the enrolled bill, and that the sections in this chapter are correct copies of the enrolled sections, with the exception of the changes in form permitted by ORS 173.160 and other changes specifically authorized by law.

Done at Salem, Oregon,
on November 15, 1965.

Sam R. Haley
Legislative Counsel