

FIRST REGULAR SESSION  
SENATE COMMITTEE SUBSTITUTE FOR  
HOUSE COMMITTEE SUBSTITUTE FOR  
**HOUSE BILL NO. 292**  
**99TH GENERAL ASSEMBLY**

---

Reported from the Committee on Insurance and Banking, March 30, 2017, with recommendation that the Senate Committee Substitute do pass.

0685S.06C

ADRIANE D. CROUSE, Secretary.

---

**AN ACT**

To repeal sections 362.105, 362.111, 362.280, 362.285, 365.100, 408.140, and 408.330, RSMo, and to enact in lieu thereof five new sections relating to powers of certain financial institutions.

---

*Be it enacted by the General Assembly of the State of Missouri, as follows:*

Section A. Sections 362.105, 362.111, 362.280, 362.285, 365.100, 408.140, 2 and 408.330, RSMo, are repealed and five new sections enacted in lieu thereof, 3 to be known as sections 362.105, 362.111, 365.100, 408.140, and 408.330, to read 4 as follows:

362.105. 1. Every bank and trust company created under the laws of this 2 state may for a fee or other consideration, directly or through a subsidiary 3 company, and upon complying with any applicable licensing statute:

4 (1) Conduct the business of receiving money on deposit and allowing 5 interest thereon not exceeding the legal rate or without allowing interest thereon, 6 and of buying and selling exchange, gold, silver, coin of all kinds, uncurrent 7 money, of loaning money upon real estate or personal property, and upon 8 collateral of personal security at a rate of interest not exceeding that allowed by 9 law, and also of buying, investing in, selling and discounting negotiable and 10 nonnegotiable paper of all kinds, including bonds as well as all kinds of 11 commercial paper; and for all loans and discounts made, the corporation may 12 receive and retain the interest in advance;

13 (2) Accept for payment, at a future date, drafts drawn upon it by its 14 customers and to issue letters of credit authorizing the holders thereof to draw

**EXPLANATION—Matter enclosed in bold-faced brackets [thus] in this bill is not enacted and is intended to be omitted in the law.**

15 drafts upon it or upon its correspondents at sight or on time not exceeding one  
16 year; provided, that no bank or trust company shall incur liabilities under this  
17 subdivision to an amount equal at any time in the aggregate to more than its  
18 paid-up and unimpaired capital stock and surplus fund, except with the approval  
19 of the director under such general regulations as to amount of acceptances as the  
20 director may prescribe;

21 (3) Purchase and hold, for the purpose of becoming a member of a Federal  
22 Reserve Bank, so much of the capital stock thereof as will qualify it for  
23 membership in the reserve bank pursuant to an act of Congress, approved  
24 December 23, 1913, entitled "The Federal Reserve Act" and any amendments  
25 thereto; to become a member of the Federal Reserve Bank, and to have and  
26 exercise all powers, not in conflict with the laws of this state, which are conferred  
27 upon any member by the Federal Reserve Act and any amendments thereto. The  
28 member bank or trust company and its directors, officers and stockholders shall  
29 continue to be subject, however, to all liabilities and duties imposed upon them  
30 by any law of this state and to all the provisions of this chapter relating to banks  
31 or trust companies;

32 (4) Subscribe for and purchase such stock in the Federal Deposit  
33 Insurance Corporation and to make such payments to and to make such deposits  
34 with the Federal Deposit Insurance Corporation and to pay such assessments  
35 made by such corporation as will enable the bank or trust company to obtain the  
36 benefits of the insurance of deposits under the act of Congress known as "The  
37 Banking Act of 1933" and any amendments thereto;

38 (5) Invest in a bank service corporation as defined by the act of Congress  
39 known as the "Bank Service Corporation Act", Public Law 87-856, as approved  
40 October 23, 1962, to the same extent as provided by that act or any amendment  
41 thereto;

42 (6) Hold a noncontrolling equity interest in any business entity that  
43 conducts only activities that are financial in nature or incidental to financial  
44 activity or that is established pursuant to subdivision (16) of this subsection  
45 where the majority of the stock or other interest is held by Missouri banks,  
46 Missouri trust companies, national banks located in Missouri, or any foreign bank  
47 with a branch or branches in Missouri, or any combination of these financial  
48 institutions; provided that if the entity is defined pursuant to Missouri law as any  
49 type of financial institution subsidiary or other type of entity subject to special  
50 conditions or regulations, those conditions and regulations shall remain

51 applicable, and provided that such business entity may be formed as any type of  
52 business entity, in which each investor's liability is limited to the investment in  
53 and loans to the business entity as otherwise provided by law;

54 (7) Receive upon deposit for safekeeping personal property of every  
55 description, and to own or control a safety vault and rent the boxes therein;

56 (8) Purchase and hold the stock of one safe deposit company organized  
57 and existing under the laws of the state of Missouri and doing a safe deposit  
58 business on premises owned or leased by the bank or trust company at the main  
59 banking house and any branch operated by the bank or trust company; provided,  
60 that the purchasing and holding of the stock is first duly authorized by resolution  
61 of the board of directors of the bank or trust company and by the written approval  
62 of the director, and that all of the shares of the safe deposit company shall be  
63 purchased and held, and shall not be sold or transferred except as a whole and  
64 not be pledged at all, all sales or transfers or pledges in violation hereof to be  
65 void;

66 (9) Act as the fiscal or transfer agent of the United States, of any state,  
67 municipality, body politic or corporation and in such capacity to receive and  
68 disburse money, to transfer, register and countersign certificates of stock, bonds  
69 and other evidences of indebtedness;

70 (10) Acquire or convey real property for the following purposes:

71 (a) Real property conveyed to it in satisfaction or part satisfaction of debts  
72 previously contracted in the course of its business; [and]

73 (b) Real property purchased at sales under judgment, decrees or liens held  
74 by it; **and**

75 **(c) Real property purchased or leased by a bank for the purpose**  
76 **of leasing or subleasing that property to a public entity including, but**  
77 **not limited to, government buildings, municipal buildings, school**  
78 **buildings and grounds, and public hospitals. The bank shall only lease**  
79 **the property to a public entity that has sufficient resources to make all**  
80 **rental payments as the payments become due. The lease agreement**  
81 **shall provide that, upon the expiration of the lease, the public entity**  
82 **will become the owner of the real property and any building or facility**  
83 **located thereon. No bank shall purchase or lease real estate for this**  
84 **purpose if the purchase or lease will exceed the bank's lending limit**  
85 **under section 362.170;**

86 (11) Purchase, hold and become the owner and lessor of personal property

87 acquired upon the specific request of and for use of a customer; and, in addition,  
88 leases that neither anticipate full purchase price repayment on the leased asset,  
89 nor require the lease to cover the physical life of the asset, other than those for  
90 motor vehicles which will not be used by bank or trust company personnel, and  
91 may incur such additional obligations as may be incident to becoming an owner  
92 and lessor of the property, subject to the following limitations:

93 (a) Lease transactions do not result in loans for the purpose of section  
94 362.170, but the total amount disbursed under leasing obligations or rentals by  
95 any bank to any person, partnership, association, or corporation shall at no time  
96 exceed the legal loan limit permitted by statute except upon the written approval  
97 of the director of finance; **and**

98 (b) Lease payments are in the nature of rent rather than interest, and the  
99 provisions of chapter 408 are not applicable;

100 (12) Contract with another bank or trust company, bank service  
101 corporation or other partnership, corporation, association or person, within or  
102 without the state, to render or receive **any banking or trust** services  
103 **authorized under this chapter** such as check and deposit sorting and posting,  
104 computation and posting of interest and other credits and charges, preparation  
105 and mailing of checks, statements, notices, and similar items, or any other  
106 clerical, bookkeeping, accounting, statistical, financial counseling, or similar  
107 services, or the storage, transmitting or processing of any information or data[;  
108 except that, the contract shall provide, to the satisfaction of the director of  
109 finance, that the party providing such services to a bank or trust company will  
110 be subject to regulation and examination to the same extent as if the services  
111 were being performed by the bank or trust company on its own premises. This  
112 subdivision shall not be deemed to authorize a bank or trust company to provide  
113 any customer services through any system of electronic funds transfer at places  
114 other than bank premises]. **Any person or entity that provides, by contract**  
115 **or otherwise, such services to a bank or trust company, other than an**  
116 **entity that is a founding member and is represented on the executive**  
117 **committee of the Payment Card Industry Security Standards Council**  
118 **and that is examined and regulated under the Bank Service Company**  
119 **Act (12 U.S.C. Sections 1861 to 1867(c)) or any successor statute by an**  
120 **appropriate federal banking agency, shall be subject to examination by**  
121 **the division of finance to the same extent as if the service was being**  
122 **performed by the bank or trust company on its own premises. Each**

123 **bank or trust company under the jurisdiction of the division of finance**  
124 **shall provide a list of all persons or entities providing services to the**  
125 **bank or trust company;**

126       (13) Purchase and hold stock in a corporation whose only purpose is to  
127 purchase, lease, hold or convey real property of a character which the bank or  
128 trust company holding stock in the corporation could itself purchase, lease, hold  
129 or convey pursuant to the provisions of [paragraph (a) of] subdivision (10) of this  
130 subsection; provided, the purchase and holding of the stock is first duly  
131 authorized by resolution of the board of directors of the bank or trust company  
132 [and by the written approval of the director,] and that all of the shares of the  
133 corporation shall be purchased and held by the bank or trust company and shall  
134 not be sold or transferred except as a whole;

135       (14) Purchase and sell investment securities, without recourse, solely  
136 upon order and for the account of customers; and establish and maintain one or  
137 more mutual funds and offer to the public shares or participations therein. Any  
138 bank which engages in such activity shall comply with all provisions of chapter  
139 409 regarding the licensing and registration of sales personnel for mutual funds  
140 so offered, provided that such banks shall register as a broker-dealer with the  
141 office of the commissioner of securities and shall consent to supervision and  
142 inspection by that office and shall be subject to the continuing jurisdiction of that  
143 office;

144       (15) Make debt or equity investments in corporations or projects, whether  
145 for profit or not for profit, designed to promote the development of the community  
146 and its welfare, provided that the aggregate investment in all such corporations  
147 and in all such projects does not exceed five percent of the unimpaired capital of  
148 the bank, and provided that this limitation shall not apply to loans made under  
149 the authority of other provisions of law, and other provisions of law shall not  
150 limit this subdivision; **and**

151       (16) Offer through one or more subsidiaries any products and services  
152 which a national bank may offer through its financial subsidiaries, subject to the  
153 limitations that are applicable to national bank financial subsidiaries, and  
154 provided such bank or trust company meets the division of finance safety and  
155 soundness considerations. This subdivision is enacted to provide in part  
156 competitive equality with national banks' powers under the Gramm-Leach-Bliley  
157 Act of 1999, Public Law 106-102.

158       2. In addition to the power and authorities granted in subsection 1 of this

159 section, and notwithstanding any limitations therein, a bank or trust company  
160 may:

161 (1) Purchase or lease, in an amount not exceeding its legal loan limit, real  
162 property and improvements thereto suitable for the convenient conduct of its  
163 functions. The bank may derive income from renting or leasing such real  
164 property or improvements or both. If the purchase or lease of such real property  
165 or improvements exceeds the legal loan limit or is from an officer, director,  
166 employee, affiliate, principal shareholder or a related interest of such person,  
167 prior approval shall be obtained from the director of finance; and

168 (2) Loan money on real estate as defined in section 442.010, and handle  
169 escrows, settlements and closings on real estate for the benefit of the bank's  
170 customers, as a core part of the banking business, notwithstanding any other  
171 provision of law to the contrary.

172 3. In addition to the powers and authorities granted in subsection 1 of  
173 this section, every trust company created under the laws of this state shall be  
174 authorized and empowered to:

175 (1) Receive money in trust and to accumulate the same at such rate of  
176 interest as may be obtained or agreed upon, or to allow such interest thereon as  
177 may be prescribed or agreed;

178 (2) Accept and execute all such trusts and perform such duties of every  
179 description as may be committed to it by any person or persons whatsoever, or  
180 any corporation, and act as assignee, receiver, trustee and depository, and to  
181 accept and execute all such trusts and perform such duties of every description  
182 as may be committed or transferred to it by order, judgment or decree of any  
183 courts of record of this state or other states, or of the United States;

184 (3) Take, accept and hold, by the order, judgment or decree of any court  
185 of this state, or of any other state, or of the United States, or by gift, grant,  
186 assignment, transfer, devise or bequest of any person or corporation, any real or  
187 personal property in trust, and to execute and perform any and all the legal and  
188 lawful trusts in regard to the same upon the terms, conditions, limitations and  
189 restrictions which may be declared, imposed, established or agreed upon in and  
190 by the order, judgment, decree, gift, grant, assignment, transfer, devise or  
191 bequest;

192 (4) Buy, invest in and sell all kinds of stocks or other investment  
193 securities;

194 (5) Execute, as principal or surety, any bond or bonds required by law to

195 be given in any proceeding, in law or equity, in any of the courts of this state or  
196 other states, or of the United States;

197 (6) Act as trustee, personal representative, or conservator or in any other  
198 like fiduciary capacity; **and**

199 (7) Act as attorney-in-fact or agent of any person or corporation, foreign  
200 or domestic, in the management and control of real or personal property, the sale  
201 or conveyance of same, the investment of money, and for any other lawful  
202 purpose.

203 4. (1) In addition to the powers and authorities granted in this section,  
204 the director of finance may, from time to time, with the approval of the state  
205 banking and savings and loan board, issue orders granting such other powers and  
206 authorities as have been granted to financial institutions subject to the  
207 supervision of the federal government to:

208 (a) State-chartered banks and trust companies which are necessary to  
209 enable such banks and trust companies to compete;

210 (b) State-chartered banks and trust companies to establish branches to  
211 the same extent that federal law permits national banks to establish branches;

212 (c) Subsidiaries of state-chartered banks and trust companies to the same  
213 extent powers are granted to national bank subsidiaries to enable such banks and  
214 trust companies to compete; **and**

215 (d) State-chartered banks and trust companies to establish trust  
216 representative offices to the same extent national banks are permitted such  
217 offices[.]; **and**

218 (2) The orders shall be promulgated as provided in section 361.105 and  
219 shall not be inconsistent with the constitution and the laws of this state.

220 5. As used in this section, the term "subsidiary" shall include one or more  
221 business entities of which the bank or trust company is the owner, provided the  
222 owner's liability is limited by the investment in and loans to the subsidiary as  
223 otherwise provided for by law.

224 6. A bank or trust company to which authority is granted by regulation  
225 in subsection 4 of this section, based on the population of the political  
226 subdivision, may continue to exercise such authority for up to five years after the  
227 appropriate decennial census indicates that the population of the town in which  
228 such bank or trust company is located has exceeded the limits provided for by  
229 regulation pursuant to subsection 4 of this section.

362.111. 1. A bank or trust company may impose fees or service charges

2 on deposit accounts; however, such fees or service charges are subject to such  
3 conditions or requirements that may be fixed by regulations pursuant to section  
4 361.105 by the director of the division of finance and the state banking and  
5 savings and loan board. Notwithstanding any law to the contrary, no such  
6 condition or requirement shall be more restrictive than the fees or service charges  
7 on deposit accounts or similar accounts permitted any federally chartered  
8 depository institution and no contractual fee charged for overdrawing the balance  
9 of a deposit account shall be deemed interest.

10       **2. A bank may impose a convenience fee for payments using an**  
11 **alternative payment channel that accepts a debit or credit card not**  
12 **present transaction, non-face-to-face payment, provided that:**

13       **(a) The person making the payment is notified of the**  
14 **convenience fee; and**

15       **(b) The fee is fixed or flat, except that the fee may vary based**  
16 **upon method of payment used.**

17       **3.** An agreement to operate or share an automated teller machine shall  
18 not prohibit an owner or operator of the automated teller machine from imposing,  
19 on an individual who conducts a transaction using a foreign account, an access  
20 fee or surcharge that is not otherwise prohibited under federal or state law.

21       **[3.] 4.** As used in this section, the following terms mean:

22       (1) "Automated teller machine", any electronic device, wherever located,  
23 through which a consumer may initiate an electronic funds transfer or may order,  
24 instruct, or authorize a financial institution to debit or credit an account and  
25 includes any machine or device which may be used to carry out electronic banking  
26 business. "Automated teller machine" does not include point of sale terminals or  
27 telephones or personal computers operated by a consumer;

28       (2) "Foreign account", an account with a financial institution located  
29 outside the United States.

365.100. **1.** For contracts entered into on or after August 28, 2005, if the  
2 contract so provides, the holder thereof may charge, finance, and collect:

3       (1) A charge for late payment on each installment or minimum payment  
4 in default for a period of not less than fifteen days in an amount not to exceed  
5 five percent of each installment due or the minimum payment due or twenty-five  
6 dollars, whichever is less; except that, a minimum charge of ten dollars may be  
7 made, or when the installment is for twenty-five dollars or less, a charge for late  
8 payment for a period of not less than fifteen days shall not exceed five dollars,



- 9 provided, however, that a minimum charge of one dollar may be made;
- 10 (2) Interest on each delinquent payment at a rate which shall not exceed
- 11 the highest lawful contract rate. In addition to such charge, the contract may
- 12 provide for the payment of attorney fees not exceeding fifteen percent of the
- 13 amount due and payable under the contract where the contract is referred for
- 14 collection to any attorney not a salaried employee of the holder, plus court costs;
- 15 (3) A dishonored or insufficient funds check fee equal to such fee as
- 16 provided in section 408.653, in addition to fees charged by a bank for each check,
- 17 draft, order or like instrument which is returned unpaid; and
- 18 (4) All other reasonable expenses incurred in the origination, servicing,
- 19 and collection of the amount due under the contract.

20 **2. A holder of a contract may impose a convenience fee for**

21 **payments using an alternative payment channel that accepts a debit or**

22 **credit card not present transaction, non-face-to-face payment, provided**

23 **that:**

24 **(a) The person making the payment is notified of the**

25 **convenience fee; and**

26 **(b) The fee is fixed or flat, except that the fee may vary based**

27 **upon method of payment used.**

408.140. 1. No further or other charge or amount whatsoever shall be

2 directly or indirectly charged, contracted for or received for interest, service

3 charges or other fees as an incident to any such extension of credit except as

4 provided and regulated by sections 367.100 to 367.200 and except:

5 (1) On loans for thirty days or longer which are other than "open-end

6 credit" as such term is defined in the federal Consumer Credit Protection Act and

7 regulations thereunder, a fee, not to exceed ten percent of the principal amount

8 loaned not to exceed one hundred dollars may be charged by the lender; however,

9 no such fee shall be permitted on any extension, refinance, restructure or renewal

10 of any such loan, unless any investigation is made on the application to extend,

11 refinance, restructure or renew the loan;

12 (2) The lawful fees actually and necessarily paid out by the lender to any

13 public officer for filing, recording, or releasing in any public office any instrument

14 securing the loan, which fees may be collected when the loan is made or at any

15 time thereafter; however, premiums for insurance in lieu of perfecting a security

16 interest required by the lender may be charged if the premium does not exceed

17 the fees which would otherwise be payable;

18           (3) If the contract so provides, a charge for late payment on each  
19 installment or minimum payment in default for a period of not less than fifteen  
20 days in an amount not to exceed five percent of each installment due or the  
21 minimum payment due or fifteen dollars, whichever is greater, not to exceed fifty  
22 dollars. If the contract so provides, a charge for late payment on each twenty-five  
23 dollars or less installment in default for a period of not less than fifteen days  
24 shall not exceed five dollars;

25           (4) If the contract so provides, a charge for late payment for a single  
26 payment note in default for a period of not less than fifteen days in an amount  
27 not to exceed five percent of the payment due; provided that, the late charge for  
28 a single payment note shall not exceed fifty dollars;

29           (5) Charges or premiums for insurance written in connection with any  
30 loan against loss of or damage to property or against liability arising out of  
31 ownership or use of property as provided in section 367.170; however,  
32 notwithstanding any other provision of law, with the consent of the borrower,  
33 such insurance may cover property all or part of which is pledged as security for  
34 the loan, and charges or premiums for insurance providing life, health, accident,  
35 or involuntary unemployment coverage;

36           (6) Reasonable towing costs and expenses of retaking, holding, preparing  
37 for sale, and selling any personal property in accordance with [section 400.9] **the**  
38 **uniform commercial code - secured transactions, sections 400.9-101 to**  
39 **400.9-809;**

40           (7) Charges assessed by any institution for processing a refused  
41 instrument plus a handling fee of not more than twenty-five dollars;

42           (8) If the contract or promissory note, signed by the borrower, provides for  
43 attorney fees, and if it is necessary to bring suit, such attorney fees may not  
44 exceed fifteen percent of the amount due and payable under such contract or  
45 promissory note, together with any court costs assessed. The attorney fees shall  
46 only be applicable where the contract or promissory note is referred for collection  
47 to an attorney, and is not handled by a salaried employee of the holder of the  
48 contract;

49           (9) Provided the debtor agrees in writing, the lender may collect a fee in  
50 advance for allowing the debtor to defer up to three monthly loan payments, so  
51 long as the fee is no more than the lesser of fifty dollars or ten percent of the loan  
52 payments deferred, no extensions are made until the first loan payment is  
53 collected and no more than one deferral in a twelve-month period is agreed to and

54 collected on any one loan; this subdivision applies to nonprecomputed loans only  
55 and does not affect any other subdivision;

56 (10) If the open-end credit contract is tied to a transaction account in a  
57 depository institution, such account is in the institution's assets and such  
58 contract provides for loans of thirty-one days or longer which are "open-end  
59 credit", as such term is defined in the federal Consumer Credit Protection Act and  
60 regulations thereunder, the creditor may charge a credit advance fee of up to the  
61 lesser of seventy-five dollars or ten percent of the credit advanced from time to  
62 time from the line of credit; such credit advance fee may be added to the open-end  
63 credit outstanding along with any interest, and shall not be considered the  
64 unlawful compounding of interest as [that term is defined in] **specified under**  
65 section 408.120;

66 (11) A deficiency waiver addendum, guaranteed asset protection, or a  
67 similar product purchased as part of a loan transaction with collateral and at the  
68 borrower's consent, provided the cost of the product is disclosed in the loan  
69 contract, is reasonable, and the requirements of section 408.380 are met;

70 **(12) A convenience fee for payments using an alternative**  
71 **payment channel that accepts a debit or credit card not present**  
72 **transaction, non-face-to-face payment, provided that:**

73 **(a) The person making the payment is notified of the**  
74 **convenience fee; and**

75 **(b) The fee is fixed or flat, except that the fee may vary based**  
76 **upon method of payment used.**

77 2. Other provisions of law to the contrary notwithstanding, an open-end  
78 credit contract under which a credit card is issued by a company, financial  
79 institution, savings and loan or other credit issuing company whose credit card  
80 operations are located in Missouri may charge an annual fee, provided that no  
81 finance charge shall be assessed on new purchases other than cash advances if  
82 such purchases are paid for within twenty-five days of the date of the periodic  
83 statement therefor.

84 3. Notwithstanding any other provision of law to the contrary, in addition  
85 to charges allowed pursuant to section 408.100, an open-end credit contract  
86 provided by a company, financial institution, savings and loan or other credit  
87 issuing company which is regulated pursuant to this chapter may charge an  
88 annual fee not to exceed fifty dollars.

408.330. 1. If a retail time contract or a retail charge agreement so

2 provides, the holder thereof may charge and collect:

3 (1) A premium for insurance in lieu of charges for perfecting a security  
4 interest required by the lender if the premium does not exceed the fees which  
5 would otherwise be payable;

6 (2) Charges assessed by any institution for processing a refused  
7 instrument plus a handling fee of not more than fifteen dollars;

8 (3) A delinquency and collection charge on each installment in default for  
9 a period of not less than ten days in an amount not to exceed ten dollars or five  
10 dollars when the monthly installment is less than twenty-five dollars; or

11 (4) Interest on each delinquent payment thereunder at a rate which will  
12 not exceed the highest lawful contract rate. In addition to such delinquency  
13 charge, the contract may provide for the payment of attorney fees not exceeding  
14 fifteen percent of the amount due and payable under such contract where such  
15 contract is referred for collection to an attorney not a salaried employee of the  
16 holder of the contract and for court costs.

17 2. The parties to a retail time contract who have entered into more than  
18 one contract at substantially different times may agree to consolidate such  
19 contracts resulting in a single schedule of payments; provided, however, that the  
20 time charge on the new unpaid balance shall not exceed the maximum specified  
21 in section 408.300.

22 **3. A holder of a contract may impose a convenience fee for**  
23 **payments using an alternative payment channel that accepts a debit or**  
24 **credit card not present transaction, non-face-to-face payment, provided**  
25 **that:**

26 **(a) The person making the payment is notified of the**  
27 **convenience fee; and**

28 **(b) The fee is fixed or flat, except that the fee may vary based**  
29 **upon method of payment used.**

[362.280. 1. The board of directors of every bank and trust  
2 company at least once in each year and whenever and as often as  
3 required by the director, and within thirty days after notice from  
4 him, shall examine or cause a committee of at least three of its  
5 members or stockholders to examine fully the books, papers and  
6 affairs of the bank, and the loans and discounts and acceptances  
7 thereof, and particularly the loans or discounts or acceptances  
8 made directly or indirectly to its officers or directors, or for the

benefit of these officers or directors, or for the benefit of other corporations of which these officers or directors are also officers or directors, or in which they have a beneficial interest as stockholders, creditors, or otherwise, with the special view of ascertaining their safety and present value, and the value of the collateral security, if any, held in connection therewith, and into such other matters as the director may require; provided, however, that no examination shall be required of a bank or trust company which is a member of the Federal Reserve System or of a bank or trust company whose deposits are insured by the Federal Deposit Insurance Corporation.

2. The directors or committee of stockholders shall have the power to employ such assistance in making such examination as they may deem necessary.]

[362.285. 1. Within ten days succeeding any examination made pursuant to the requirements of section 362.280, a report in writing thereof, sworn to by the directors or stockholders making the same, shall be made to the board of directors of the bank or trust company, and placed on file in the bank or trust company, and a duplicate thereof filed in the office of the finance director.

2. The report shall particularly contain a statement of the assets and liabilities of the bank or trust company examined, as shown by the books, together with such deductions from the assets, and the addition of the liabilities, direct, indirect, contingent or otherwise, as the directors or committee, after the examination, may find necessary in order to determine the true condition of the bank or trust company. It shall also contain a statement showing in detail every known liability to the bank or trust company, direct or indirect, contingent or otherwise, of every officer or director thereof and of every corporation in which the officer or director owns stock to the amount of twenty-five percent of the total outstanding stock, or of which the officer or director is also an officer or director. It shall also contain a statement, in detail, of loans, if any, which in their opinion are doubtful or worthless, together with their reasons for so regarding them; also a statement of loans made on collateral security which in their opinion are

23           insufficiently secured, giving in each case the amount of the loan,  
24           the name and market value of the collateral, if it has any market  
25           value, and, if not, a statement of that fact, and its actual value as  
26           nearly as possible. The report shall also contain a statement of  
27           overdrafts, of the names and amounts of the ones considered  
28           worthless or doubtful, and a full statement of such other matters  
29           as affect the solvency and soundness of the institution.

30           3. If the directors of any bank or trust company shall fail  
31           to make, or to cause to be made or to file the report of examination  
32           in the manner and within the time specified, the bank or trust  
33           company shall forfeit to the state one hundred dollars for every day  
34           such report shall be delayed.]

✓