

## Chapter 715

### 1999 EDITION

#### Bank Holding Companies

- 715.012 Application to become bank holding company of Oregon stock bank; filing with Federal Reserve Board and director
- 715.017 Out-of-state bank holding companies
- 715.019 Mutual bank holding companies; authority
- 715.045 Examination of certain bank holding companies; payment of costs of examination
- 715.055 Submission of reports filed with Federal Reserve Board; additional information; penalty for failure to submit
- 715.075 Authority of bank holding company to acquire corporation licensed as insurance agent
- 715.090 Authority of bank holding company to share information concerning customers with controlled company

#### CROSS-REFERENCES

Administration of banking laws generally, Ch. 706

Financial institution acting as insurer prohibited, 707.454

Lending institution property insurance requirements, limitation, 746.185 to 746.211

**715.010** [Amended by 1973 c.797 s.336; 1977 c.135 s.27; 1979 c.88 s.15; 1983 c.296 s.9; 1985 c.12 s.8; 1989 c.12 s.1; 1989 c.447 s.1; repealed by 1997 c.631 s.567]

**715.012 Application to become bank holding company of Oregon stock bank; filing with Federal Reserve Board and director.** (1) If a company proposes to become a bank holding company of an Oregon stock bank, when the company files its application and any related materials with the Federal Reserve Board, the company shall submit to the Director of the Department of Consumer and Business Services copies of the application and related materials.

(2) The director may submit comments and recommendations for approval or disapproval to the Federal Reserve Board concerning any application to become a bank holding company of an Oregon stock bank that is filed with the Federal Reserve Board.

(3) Following the filing of an application to become a bank holding company and the submission to the director of the materials described in subsection (1) of this section, the company shall submit to the director copies of any written communications between itself and the Federal Reserve Board that relate to the application, including copies of any written approval or denial of the application. A copy of each such written communication shall be submitted to the director within 10 days after the original thereof is sent or received by the company. [1997 c.631 s.329]

**715.015** [1973 c.797 s.337; 1975 c.544 s.41; 1977 c.135 s.28; 1979 c.88 s.16; 1985 c.12 s.9; 1985 c.786 s.44; repealed by 1997 c.631 s.567]

**715.017 Out-of-state bank holding companies.** An out-of-state bank holding company may become the bank holding company of:

(1) An Oregon stock bank or an in-state federal stock bank, by itself or together with any predecessor, only if the Oregon stock bank or in-state federal stock bank has been engaged in the business of banking in this state for a period of not less than three years prior to the date on which the out-of-state bank holding company becomes the bank holding company of the Oregon stock bank or in-state federal stock bank.

(2) An Oregon stock bank organized under ORS 707.025 that has merged with or acquired all or substantially all of the assets and liabilities of an Oregon stock bank or in-state federal stock bank, by itself or together with any predecessor, only if the Oregon stock bank or in-state federal stock bank has been engaged in the business of banking in this state for a period of not less than three years prior to the date on which the out-of-state bank holding company becomes the bank holding company of the Oregon stock bank. [1997 c.631 s.330]

**715.019 Mutual bank holding companies; authority.** (1) An Oregon nonstock bank may, pursuant to rules adopted by the Director of the Department of Consumer and Business Services, reorganize so that the resulting entities are an Oregon stock savings bank, controlled by a mutual bank holding company. For purposes of this section, a “mutual bank holding company” is a bank holding company that does not issue capital stock. The mutual bank holding company shall be mutually owned by the depositors of the reorganizing Oregon nonstock bank.

(2) A mutual bank holding company may acquire or invest in the stock of one or more stock savings banks.

(3) A mutual bank holding company may merge with or acquire another mutual bank holding company.

(4) A mutual bank holding company formed under this section shall be subject to the provisions of this chapter.

(5) The director is authorized to adopt rules to carry out the provisions of this section. [1997 c.631 s.330a]

**715.020** [Repealed by 1973 c.797 s.428]

**715.025** [1973 c.797 s.338; 1985 c.12 s.10; repealed by 1997 c.631 s.567]

**715.030** [Repealed by 1973 c.797 s.428]

**715.035** [1973 c.797 s.339; 1977 c.135 s.29; 1983 c.37 s.24; 1985 c.786 s.45; repealed by 1997 c.631 s.567]

**715.040** [Repealed by 1973 c.797 s.428]

**715.045 Examination of certain bank holding companies; payment of costs of examination.** (1) The Director of the Department of Consumer and Business Services may examine the books, accounts, records and files of a bank holding company of an Oregon stock bank when the director considers it necessary to evaluate the condition of the Oregon stock bank that is a subsidiary of the bank holding company.

(2) The bank holding company examined shall pay to the director the actual cost of the examination, as determined by the director. [1973 c.797 s.340; 1997 c.631 s.326]

**715.050** [Repealed by 1973 c.797 s.428]

**715.055 Submission of reports filed with Federal Reserve Board; additional information; penalty for failure to submit.** (1) A bank holding company of an Oregon stock bank shall submit to the Director of the Department of Consumer and Business Services copies of all reports that the bank holding company is required to submit to the Federal Reserve Board. The copies shall be submitted to the director within the time periods required by applicable federal law and regulation for the filing of the originals with the Federal Reserve Board.

(2) The director may call for additional information from a bank holding company, in such form as the director may prescribe by rule or order, if the director considers it necessary in order to obtain full knowledge of the condition of the Oregon stock bank which the bank holding company controls. The bank holding company shall submit the report to the director within the time period prescribed by the director.

(3) If a bank holding company fails to submit a report or additional information as required by this section, the bank holding company shall pay to the director a penalty of up to \$1,000 for each day it fails to comply. If the bank holding company delays or refuses to pay the penalty upon demand by the director, the director may maintain an action in the director's name against the delinquent bank holding company for the recovery of the penalty. [1973 c.797 s.341; 1997 c.631 s.327]

**715.065** [1985 c.12 s.12; 1987 c.371 s.3; 1995 c.6 s.4; repealed by 1997 c.631 s.567]

**715.070** [1985 c.12 s.13; 1987 c.371 s.4; repealed by 1997 c.631 s.567]

**715.075 Authority of bank holding company to acquire corporation licensed as insurance agent.** A bank holding company may acquire and hold all or part of the stock of a corporation which is or may thereafter be licensed under ORS 744.002 as an agent to transact one or more of the classes of insurance described in ORS 744.115 except for title insurance, subject to the following requirements:

(1) The acquisition and holding of such stock shall be subject to the approval of the Director of the Department of Consumer and Business Services. The director shall base consideration for approval on the condition of the bank holding company, the adequacy of a formal business plan for the insurance activities and the existence of satisfactory management for the corporation.

(2) The director may revoke or restrict the ongoing authority of the bank holding company to hold stock in the corporation if the condition of the bank holding company or of any bank owned by it substantially deteriorates or if the insurance activities are adversely affecting the bank holding company or any bank owned by it.

(3) If the corporation conducts the insurance agency activity in any branch or office in which any bank owned by the bank holding company carries on its banking business, the insurance agency activity shall be physically separated from those parts of the premises in which the bank carries on the banking business.

(4) No person who acts on behalf of the corporation to transact insurance, as that term is defined in ORS 731.146, shall while employed by the corporation engage on behalf of the holding company or any bank owned by it in any activities relating to the making of loans or the granting of other credits to the customers of any bank owned by the holding company, including but not limited to serving as a loan officer or as a member of a loan committee or any other group charged with approval of loans and other credits.

(5) The name of the corporation and any assumed business name used by it shall not be identical to that of any bank owned by the bank holding company.

(6) Prior to selling any policy of insurance, the corporation shall give substantially the following notice in writing to the purchaser in at least 10-point boldfaced type:

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**NOTICE**

\_\_\_\_\_ (Name of corporation licensed as an agent) is owned by \_\_\_\_\_ (Name of bank holding company) which also owns \_\_\_\_\_ (Name of institution or savings bank). You are not required to purchase any insurance from it as a condition of obtaining any service from or engaging in any transaction with the institution, savings bank or bank holding company. Before committing to purchase any policy of insurance, you should shop for the coverage by carefully comparing information obtained from two or more agents on prices, benefits, services, terms of renewal and other policy features. You hereby acknowledge receipt of a copy of this notice.

\_\_\_\_\_  
Customer's signature

\_\_\_\_\_  
Date

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(7) For each calendar year during which a bank holding company owns all or part of any corporation licensed under ORS 744.002 as an agent, the bank holding company shall file a written report with the director. The report shall be filed no later than March 31 of the following year and shall disclose the insurance activities of the corporation. The required contents of the report shall be established by the director by rule. The reports filed with the director under this paragraph shall be available for public inspection in the office of the director.

(8) The corporation shall not in any manner use customer information obtained by the institution from another insurance agent to promote, develop or solicit insurance business for the corporation unless the other insurance agent consents to such use of the customer information.

(9) The corporation shall be subject to the limitations applicable to lending institutions under ORS 746.180 and 746.185 to 746.211. For the purpose of this subsection, the term "lending institution" has the meaning set forth in ORS 746.185. [1987 c.916 s.4; 1989 c.331 s.30; 1989 c.701 s.66; 1997 c.831 s.3]

**715.090 Authority of bank holding company to share information concerning customers with controlled**

**company.** (1) A bank holding company may share financial and credit information concerning its customers with any company of which it directly or indirectly controls 50 percent or more of the voting shares. Any company so controlled by a bank holding company may share information concerning its customers with the bank holding company and with any other company so controlled by the same bank holding company. This section shall not be construed as otherwise permitting or limiting the sharing or disclosure of information.

(2) For purposes of this section, “customers” includes but is not limited to depositors, borrowers, credit card holders, lessees, purchasers under contracts and applicants for credit. [1985 c.357 s.2]

**715.100** [1985 c.12 s.17; repealed by 1987 c.371 s.5]

**715.910** [1975 c.544 s.43; repealed by 1997 c.631 s.567]

**715.990** [Amended by 1973 c.797 s.342; repealed by 1975 c.544 s.62]

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