

7-1-318 Reports of condition -- Form -- Falsification or failure to file.

- (1) Each institution under the jurisdiction of the department, including each out-of-state depository institution operating a branch in this state, shall provide a report of its condition to the department at least twice a year, as required by the commissioner. The commissioner may require an institution to provide more frequent reports as necessary.
- (2) The report shall be made according to the form prescribed by the commissioner and shall be verified by the oath or affirmation of the president or a vice president and attested by at least two directors.
- (3) It is a third degree felony for any officer, director, or employee of a financial institution to do any of the following:
 - (a) knowingly subscribe or cause to be made any false statement or report to the commissioner or department;
 - (b) knowingly subscribe or cause to be made any false entry in the books or accounts of the institution; or
 - (c) knowingly subscribe or exhibit false papers with intent to deceive any person authorized to examine the institution.
- (4) Each institution that fails or neglects to make a report within 30 days after receiving a call for any report required by this title, by an order of the commissioner, or by any rule of the department is subject to a penalty of \$50 a day for each day the report is past due. The commissioner may reduce or waive the penalty for good cause shown.
- (5) It is criminal perjury for any officer or employee of a financial institution under the jurisdiction of the department to willfully swear falsely in making an oath or affirmation concerning a report of the institution's condition.
- (6) For information purposes, and without being subject to penalties under state law, a federally chartered depository institution operating a main office or branch in this state shall provide to the department a copy of its regular report of condition filed with its chartering agency.

Amended by Chapter 49, 1995 General Session