

**7-5-3 Application for authorization to engage in trust business -- Criteria for granting -- Authority of trust company.**

- (1) A person seeking authorization to become a trust company and engage in the trust business in this state shall file an application with the commissioner in the manner provided in Section 7-1-704, and shall pay the fee prescribed in Section 7-1-401.
- (2) The commissioner shall, in deciding whether or not to approve the application, take into account:
  - (a) the character and condition of the applicant's assets;
  - (b) the adequacy of its capital;
  - (c) its earnings record;
  - (d) the quality of its management;
  - (e) the qualifications of any person proposed to be an officer in charge of the trust operations;
  - (f) the needs of the community for fiduciary services;
  - (g) the volume of business that the applicant will probably do; and
  - (h) any other relevant facts and circumstances, including the availability of legal counsel to advise and pass upon matters relating to the trust business.
- (3) The commissioner may not apply criteria making it more difficult for a state chartered depository institution to obtain approval to engage in the trust business than for a federally chartered depository institution of the same class.
- (4) The commissioner may impose such conditions when authorizing a person to engage in the trust business as he considers appropriate to protect the public interest.
- (5) Upon receiving authorization from the commissioner to become a trust company and engage in the trust business, the trust company is qualified to act as fiduciary in any capacity without bond.

Amended by Chapter 200, 1994 General Session