

TITLE 4: ECONOMIC RESOURCES
DIVISION 6: BANKING AND FINANCIAL INSTITUTIONS

§ 6206. Notice of Intention.

(a) The incorporators shall file with the director a notice of intention to organize a Commonwealth bank. The notice shall state:

(1) The name, residence and occupation of each incorporator, and the amount of stock subscribed and paid for by each;

(2) The name and address of an individual within the Commonwealth to whom notice to all the incorporators may be sent;

(3) The total capital, the number of shares of each class and the par value of the shares of each class of the proposed Commonwealth bank;

(4) Whether it is intended that the proposed Commonwealth bank shall have trust powers; and

(5) The municipality in which the proposed Commonwealth bank is to be located.

(b) The director may order the incorporators not to accept any stock subscriptions or to cease accepting subscriptions if the director determines that the notice does not comply with the provisions of this section, or that the incorporators are proceeding unlawfully or are not acting in good faith. If the notice of intention or any accompanying documents do not comply with the requirements of this section, the director shall, within 20 days after the receipt of those materials, return them to the incorporators, calling attention to the defect or defects in them.

(c) It is unlawful for any person to accept any stock subscription until 30 days after filing a notice of intention or in violation of an order of the director, and any such subscription shall be enforceable only by the director and only to the extent the director determines it to be necessary to protect depositors or the public.

Source: PL 3-104, § 206; amended by PL 8-3, § 2, modified.

Commission Comment: For the penalty for violating subsection (c), see 4 CMC § 6813. PL 8-3, § 2(e), requiring deletion of any reference to 4 CMC § 6205 (a repealed section) in several specified sections, failed to include this section. The Commission rectified the error by deleting former subsection (a)(6) of this section, which referred to the repealed section.

With respect to the references to the “director” of the Department of Commerce and Labor, see Executive Order 94-3 (effective August 23, 1994), reorganizing the executive branch, changing agency names and official titles, and effecting other changes, set forth in the Commission comment to 1 CMC § 2001.