

Banks and Banking—Foreign Corporations—Corporations—Names.

A foreign corporation may not use the words "banker" or "trust company" in its business name in this state without subjecting itself to the supervision and visitation of the superintendent of banks, nor unless it has received a certificate from the superintendent of banks authorizing it to do a banking business in this state.

March 29, 1928.

A. J. Lochrie, Esq.,
Superintendent of Banks,
Helena, Montana.

My dear Mr. Lochrie:

You have referred me to section 29 of chapter 89, laws of 1927, and asked my opinion as to what it means.

Section 29 contains this clause:

"Nor shall any person, firm, company, co-partnership, or corporation, domestic or foreign, not subject to the supervision of the superintendent of banks, and not required by the provisions of this act to report to him, and which has not received from the superintendent of banks a certificate to do a banking business, hereafter transact business under any name or title which contains the word 'bank', 'banker', 'banking', 'savings bank', 'saving', 'trust', 'trustee', 'trust company', or 'investment company.'"

It must have been the intention of the legislature to give the superintendent of banks authority to permit foreign corporations to do a banking business in this state.

By the latter part of section 30 the superintendent of banks and his deputies have authority to examine foreign corporations.

The legislature has authority to authorize the superintendent of banks to issue certificates to a foreign corporation to do a banking business in this state. (State vs. Aetna Banking & Trust Co., 34 Mont. 379).

It is therefore my opinion that a foreign corporation may not do a banking or trust business in this state, nor may it transact business under any name or title which contains the prohibited words specified in section 29 without first receiving from the superintendent of banks a certificate to do a banking business and without subjecting itself to the supervision of the superintendent of banks, and without making reports to him.

Very truly yours,

L. A. FOOT,
Attorney General.