

**9-1903. Undercapitalized and insolvent banks and trust companies; commissioner to take charge, when.** If it shall appear upon the examination of any bank or trust company or from any report made to the commissioner that any bank or trust company is critically undercapitalized, the commissioner may take charge of such bank or trust company and all of its property and assets. If from such examination or reports it shall appear any bank or trust company is insolvent the commissioner shall take charge of such bank or trust company and all of its property and assets. In so doing the commissioner may appoint a special deputy commissioner to take charge temporarily of the affairs of such insolvent or critically undercapitalized bank or trust company until a receiver is appointed. Such deputy shall qualify, give bond and receive compensation as determined by the commissioner, but such compensation shall be paid by the insolvent or critically undercapitalized bank or trust company or in case of the appointment of a receiver allowed by the court as costs in the case. After appointment, the special deputy shall continue to serve under the direction of the commissioner for such period of time as deemed reasonable and necessary by the commissioner before returning charge of the bank or trust company back to the board of directors of the institution or appointing a receiver. In no case shall any bank or trust company continue in the charge of a special deputy for a period exceeding nine months.

**History:** L. 1947, ch. 102, § 111; L. 1993, ch. 7, § 3; March 18.