

West's Annotated Indiana Code
Title 28. Financial Institutions
Article 1. Department of Financial Institutions
Chapter 1. Definitions and Application of Article

IC 28-1-1-3

28-1-1-3 Definitions

Effective: July 1, 2014

[Currentness](#)

Sec. 3. Unless a different meaning is required by the context, the following definitions apply throughout this article:

- (1) “Financial institution” means any bank, trust company, corporate fiduciary, savings association, credit union, savings bank, bank of discount and deposit, or industrial loan and investment company organized or reorganized under the laws of this state, and includes licensees under IC 24-4.4, IC 24-4.5, and 750 IAC 9.
- (2) “Bank” or “bank or trust company” means a financial institution organized or reorganized as a bank, bank of discount and deposit, or trust company under the laws of this state with the express power to receive and accept deposits of money subject to withdrawal by check, and possessing such other rights and powers granted by the provisions of this article in express terms or by implication. The term “bank” or “bank or trust company” does not include a savings association, credit union, or industrial loan and investment company.
- (3) “Domestic corporation” means a corporation formed under the laws of this state, and “foreign corporation” means every other corporation.
- (4) “Articles of incorporation” includes both the original articles of incorporation and any and all amendments thereto, except where the original articles of incorporation only are expressly referred to, and includes articles of merger and consolidation, and, in the case of corporations organized before July 1, 1933, articles of reorganization, and all amendments thereto.
- (5) “Incorporator” means one (1) of the signers of the original articles of incorporation.
- (6) “Subscriber” means one who subscribes for shares of stock in a financial institution.
- (7) “Shareholder” means one who is a holder of record of shares of stock in a financial institution.
- (8) “Capital stock” means the aggregate amount of the par value of all shares of capital stock.

(9) “Capital” means the aggregate amount paid in on the shares of capital stock of a financial institution issued and outstanding.

(10) “Capital and surplus” or “unimpaired capital and unimpaired surplus” has the meaning set forth in [12 CFR 32.2](#).

(11) “Assets” includes all of the property and rights of every kind of a financial institution, and the term “fixed assets” means such assets as are not intended to be sold or disposed of in the ordinary course of business.

(12) “Principal office” means that office maintained by the financial institution in this state, the address of which is required by the provisions of this article to be kept on file in the office of the secretary of state.

(13) “Subscription” means any written agreement or undertaking, accepted by a financial institution, for the purchase of shares of capital stock in the financial institution.

(14) “Department” means the department of financial institutions.

(15) “Member” means a member of the department of financial institutions.

(16) “Branch” means any office, agency, mobile unit, messenger service, or other place of business at which deposits are received, checks paid, or money lent. The term does not include:

(A) the principal office of a bank;

(B) the principal office of an affiliate;

(C) a branch of an affiliate;

(D) an automated teller machine;

(E) a night depository;

(F) a temporary facility authorized in [IC 28-2-13-22.5](#);

(G) a loan production office;

(H) a deposit production office; or

(I) other service delivery mechanisms not considered by the director to be a branch.

(17) “Subsidiary” means any foreign or domestic corporation or limited liability company in which the parent bank, savings bank, savings association, or industrial loan and investment company had at least eighty percent (80%) ownership before July 1, 1999, or is formed or acquired in accordance with IC 28-13-16 after June 30, 1999.

(18) “Savings bank” means a financial institution that:

(A) was organized, reorganized, or operating under IC 28-6 (before its repeal) before January 1, 1993;

(B) is formed as the result of a conversion under:

(i) IC 28-1-21.7;

(ii) IC 28-1-21.8;

(iii) IC 28-1-21.9; or

(iv) IC 28-1-30; or

(C) is incorporated under IC 28-12.

(19) “Corporate fiduciary” means a financial institution whose primary business purpose is to engage in the trust business (as defined in [IC 28-14-1-8](#)) and the execution and administration of fiduciary accounts as a nondepository trust company incorporated under Indiana law.

Credits

Amended by P.L.289-1977, SEC.1; P.L.262-1983, SEC.1, eff. April 21, 1983; [P.L.42-1993, SEC.20](#), eff. May 13, 1993; [P.L.122-1994, SEC.39](#); [P.L.262-1995, SEC.1](#); [P.L.192-1997, SEC.1](#); [P.L.79-1998, SEC.34](#); [P.L.62-1999, SEC.1](#); [P.L.215-1999, SEC.1](#); [P.L.213-2007, SEC.34](#), and [P.L.217-2007, SEC.32](#); [P.L.89-2011, SEC.31](#); [P.L.27-2012, SEC.35](#); [P.L.137-2014, SEC.22](#), eff. July 1, 2014.

[Notes of Decisions \(5\)](#)

I.C. 28-1-1-3, IN ST 28-1-1-3

The statutes and Constitution are current with all legislation of the 2018 Second Regular Session and First Special Session of the 120th General Assembly.