



Rules of
Department of Insurance,
Financial Institutions and
Professional Registration
Division 1100—Division of Credit Unions
Chapter 2—State-Chartered Credit Unions

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**Title 20—DEPARTMENT OF
INSURANCE, FINANCIAL
INSTITUTIONS AND
PROFESSIONAL REGISTRATION
Division 1100—Division of
Credit Unions
Chapter 2—State-Chartered
Credit Unions**

**20 CSR 1100-2.005 Frequency of Credit
Union Examinations**

PURPOSE: This rule sets forth the frequency of credit union examinations and the factors the director may consider when determining the frequency of credit union examinations.

(1) The director of the Division of Credit Unions, or the director's agents, may examine a credit union at any time and shall have free access to all books, papers, securities, and other sources of information pertaining to the credit union.

(2) Qualifying credit unions, as determined by the director, shall be examined no less frequently than every eighteen (18) months. All other credit unions shall be examined annually.

(3) The factors the director may consider, when determining whether or not a credit union may qualify for examinations less frequently than annually, may include:

(A) The credit union has been in operation for ten (10) years;

(B) The credit union has not been operating under a Net Worth Restoration Plan or Letter of Understanding and Agreement within the preceding twelve (12) months;

(C) The credit union has not been operating under an administrative order within the preceding twelve (12) months;

(D) The credit union has not experienced major changes in its balance sheet structure within the preceding twelve (12) months;

(E) The credit union has maintained a positive return on average assets;

(F) The credit union has not implemented any new programs with high risk to its balance sheet within the preceding twelve (12) months;

(G) The credit union has a net worth ratio of greater than seven percent (7%);

(H) The credit union has implemented an adequate asset liability management mechanism;

(I) The credit union has maintained accurate and current books and records;

(J) The tenure and quality of the credit union's management;

(K) General economic conditions.

*AUTHORITY: section 370.120, RSMo Supp. 2002. * This rule originally filed as 4 CSR 100-2.005. Original rule filed Aug. 29, 2002, effective Feb. 28, 2003. Moved to 20 CSR 1100-2.005, effective Aug. 28, 2006.*

**Original authority: 370.120, RSMo 1939, amended 1945, 1945, 1949, 1955, 1959, 1972, 2002.*

**20 CSR 1100-2.010 Location of Credit
Union Records**

PURPOSE: This rule sets the location and availability of the books and records of a credit union in order that the division may have access to them for examinations.

(1) Credit union books and records must be maintained in one (1) location and available for examination sometime between the hours of 8 a.m. and 5 p.m. weekdays. This location should be the principal place of business as recorded with the Division of Credit Unions. Any exception to this must receive prior written approval by the director of credit unions.

(2) If the examiners arrive to examine the credit union books and cannot receive access to them, sections 370.140 and 370.150, RSMo may apply, if, in the opinion of the director, that action is necessary.

*AUTHORITY: section 370.100, RSMo 1994. * This rule originally filed as 4 CSR 100-2.010. Original rule filed Jan. 15, 1968, effective Jan. 25, 1968. Amended: Filed Dec. 15, 1975, effective Dec. 25, 1975. Amended: Filed June 8, 1976, effective Sept. 11, 1976. Emergency amendment filed Feb. 14, 1984, effective Feb. 24, 1984, expired June 23, 1984. Amended: Filed March 12, 1984, effective June 11, 1984. Amended: Filed April 21, 1998, effective Oct. 30, 1998. Moved to 20 CSR 1100-2.010, effective Aug. 28, 2006.*

**Original authority: 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972.*

**20 CSR 1100-2.011 Accounting Manual
and Procedures**

PURPOSE: This rule establishes the basic accounting system to be utilized by state-chartered credit unions to assure an overall uniformity in the credit unions' bookkeeping and recordkeeping methods.

PUBLISHER'S NOTE: The secretary of state has determined that the publication of the entire text of the material which is incorporated by reference as a portion of this rule

would be unduly cumbersome or expensive. Therefore, the material which is so incorporated is on file with the agency who filed this rule, and with the Office of the Secretary of State. Any interested person may view this material at either agency's headquarters or the same will be made available at the Office of the Secretary of State at a cost not to exceed actual cost of copy reproduction. The entire text of the rule is printed here. This note refers only to the incorporated by reference material. For anyone desiring a personal copy, this reference publication is available from the Superintendent of Documents, U.S. Government Printing Office, Washington, D.C. 20402.

(1) Accounting and recordkeeping shall conform to generally accepted accounting procedures on an accrual basis as may be necessary for full material disclosure and be acceptable to the director of credit unions.

(2) The *Accounting Manual for Federal Credit Unions*, published by the National Credit Union Administration, provides detailed instructions and approved procedures, including the approved chart of accounts, for Missouri credit unions.

*AUTHORITY: section 370.100, RSMo 1994. * This rule originally filed as 4 CSR 100-2.011. Original rule filed June 8, 1976, effective Sept. 11, 1976. Emergency amendment filed Feb. 14, 1984, effective Feb. 24, 1984, expired June 23, 1984. Amended: Filed March 12, 1984, effective June 11, 1984. Amended: Filed Jan. 6, 1986, effective April 25, 1986. Amended: Filed April 21, 1998, effective Oct. 30, 1998. Moved to 20 CSR 1100-2.011, effective Aug. 28, 2006.*

**Original authority: 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972.*

**20 CSR 1100-2.012 Accuracy of Advertising
and Use of Credit Union Name**

PURPOSE: This rule explains what is allowed in the use of advertising and when a credit union uses an assumed name, also known as a "dba" (doing business as).

(1) No insured credit union may use any advertising (which includes print, electronic, or broadcast media, displays and signs, stationery, and other promotional material) or make any representation which is inaccurate, misleading, or deceptive in any particular manner, or which in any way misrepresents its services, contracts, or financial condition, or which violates the requirements of the



National Credit Union Administration's Truth In Savings Regulation 707.8. The exception to this section is the approved use of an assumed name as described in sections (4) through (7) of this rule.

(2) If the director notifies a credit union that an advertisement is deemed to be inaccurate, misleading, or deceptive, the credit union will have fifteen (15) days following receipt of the notification to provide the director with information substantiating the truthfulness of the advertisement.

(3) The use by any person, co-partnership, association, or corporation, except credit unions formed under the provisions of this chapter or any association composed exclusively of credit unions, including any service corporation wholly owned by credit unions or an association of them, of any name or title which contains the words "credit union" shall be a misdemeanor.

(4) Subject to the requirements of this rule, a credit union may adopt an assumed name to be used in advertising or signage, provided that the credit union uses its official charter name in communications with the division's office and for share certificates, signature cards, loan agreements, account statements, checks, drafts, and other legal documents. The assumed name may also be used in the above materials provided that it is clearly identified as such (e.g., ABC Credit Union dba XYZ Credit Union).

(5) A credit union shall not use an assumed name until it has received written approval from the director and has registered the name with the secretary of state.

(6) The director shall not issue approval to use an assumed business name if, by the director's determination, the designation may confuse or mislead the public, or if it is not readily distinguishable from, or is too similar to a name of another credit union doing business in this state. The director shall also make this determination in the event a credit union requests to change its official charter name.

(7) It is the responsibility of the individual credit union to comply with state and federal law applicable to corporate names.

(8) A credit union that intends to use an assumed name shall take reasonable steps to ensure that use of the assumed name will not result in confusion to the extent that its different facilities will be mistaken as different

credit unions or that the shares deposited at or through the different facilities are separately insured from those of the other facilities.

(9) Each credit union will take the necessary steps to follow the National Credit Union Administration's requirements for the official sign display noting federal insurance.

(10) Any advertising that mentions share or savings accounts insurance provided by a party other than federal insurance must clearly explain the type and amount of such insurance and the identity of the carrier and must avoid any statement or implication that the carrier is affiliated with the federal government.

AUTHORITY: section 370.071, RSMo Supp. 2007 and section 370.360, RSMo 2000. Original rule filed April 29, 2008, effective Nov. 30, 2008.*

**Original authority: 370.071, RSMo 1977, amended 1978, 1986, 1991, 2007 and 370.360, RSMo 1939, amended 1972.*

20 CSR 1100-2.020 Membership

PURPOSE: This rule establishes the minimum requirements for membership in a credit union (see section 370.080, RSMo for statutory provisions).

(1) A member must establish one (1) full share in his/her share account within a specified time period as set by the board of directors; however, that period shall not be less than three (3) months and shall maintain this one (1) share as long as s/he remains a member of the credit union. If a member has a loan with his/her credit union, s/he shall maintain one (1) full share in his/her account until his/her loan has been paid in full, has been determined to be a collection problem loan, has been referred to a third party for collection or until the balance is charged to the reserve fund as a bad debt.

AUTHORITY: section 370.100, RSMo 1986. This rule originally filed as 4 CSR 100-2.020. Original rule filed Jan. 15, 1968, effective Jan. 25, 1968. Amended: Filed Dec. 15, 1975, effective Dec. 25, 1975. Amended: Filed June 8, 1976, effective Sept. 11, 1976. Emergency amendment filed Feb. 14, 1984, effective Feb. 24, 1984, expired June 23, 1984. Amended: Filed March 12, 1984, effective June 11, 1984. Moved to 20 CSR 1100-2.020, effective Aug. 28, 2006.*

**Original authority: 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972.*

20 CSR 1100-2.030 Surety Bond Requirement

PURPOSE: This rule establishes the minimum surety bond coverage a credit union must carry for protection of its assets (see section 370.235, RSMo for statutory provisions).

(1) All credit unions are required to carry a surety blanket bond with the types and amounts of coverage required to qualify for and maintain, if required, federal share insurance as stated in National Credit Union Association (NCUA) Rules and Regulations, Part 713, and in addition must provide for faithful-performance-of-duty coverage for any officer or employee.

(2) The board of directors of each credit union shall, at least annually, carefully review the bond coverage in force to determine its adequacy in relation to risk exposure and to minimum regulatory requirements and shall document this review in the board of directors' minutes.

(3) All credit unions must use a basic bond form that has been approved by the NCUA board unless prior written approval has been acquired from the director.

(4) All credit unions should maintain increased coverage above the minimum required in section (1), equal to the greater of either of the following amounts within thirty (30) days of discovery of the need for such increase:

(A) The amount of daily cash plus anticipated daily money receipts on any of the credit union's premises; or

(B) The total amount of the credit union's money in transit in any one (1) shipment.

(C) Increased coverage is not required when the credit union temporarily increased its cash fund because of unusual events which cannot reasonably be expected to recur.

(5) Any aggregate limit of liability provided for in a surety blanket bond policy must be at least twice the single loss of liability. This requirement does not apply to optional insurance coverage.

(6) The maximum amount of deductible may not exceed the limit stated in NCUA Rules and Regulations, Part 713.

(A) Any deductibles in excess of the above amounts must receive the prior written permission of the director.

(B) A deductible may not exceed ten percent (10%) of a credit union's Irrevocable



Reserves unless a separate Contingency Reserve is set up for the excess. In computing the maximum deductible, valuation accounts such as the allowance for loan losses cannot be considered.

(7) For purposes of this regulation, the term surety bond is synonymous with the term fidelity bond.

AUTHORITY: section 370.100, RSMo 2000. This rule originally filed as 4 CSR 100-2.030. Original rule filed Jan. 15, 1968, effective Jan. 25, 1968. Amended: Filed Sept. 14, 1972, effective Sept. 24, 1972. Amended: Filed Dec. 15, 1975, effective Dec. 25, 1975. Amended: Filed Sept. 30, 1996, effective March 30, 1997. Moved to 20 CSR 1100-2.030, effective Aug. 28, 2006. Amended: Filed April 29, 2008, effective Nov. 30, 2008.*

**Original authority: 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972.*

20 CSR 1100-2.035 Special Standards for Newly Chartered Credit Unions

PURPOSE: This rule sets forth certain standards and goals which a newly chartered credit union must meet within its first year of operation. It also sets forth certain prohibited activities.

(1) A newly chartered credit union must—

(A) Maintain its books and records in accordance with generally accepted accounting principles;

(B) Generate from normal operations sufficient income to fund operations, reserve transfers, pay a reasonable dividend, a nominal contribution to retained earnings and further maintain solvency;

(C) Close its books quarterly and transfer to regular reserves at least ten percent (10%) gross income beginning with the first full quarter of operations;

(D) Record all accounts properly and on a timely basis; financial statements must be posted by the fifteenth of the following month;

(E) Not engage in the following prohibited activities and practices:

1. It shall not make any commercial loans nor hold any mortgage loans as assets;

2. It will not form a Credit Union Service Organization (CUSO) nor enter into any arrangement where it participates in the sponsorship of CUSO;

3. It shall not accept brokered funds;

4. It shall not make and hold as an asset any single loan over twenty-five thousand

dollars (\$25,000) or ten percent (10%) of assets whichever is less; and

5. It shall not enter into any insurance programs (other than credit disability, credit life, auto insurance or insurance securing property held for collateral on loans) where the credit union member finances the payment of insurance premiums through loans from the credit union without prior approval of the director of the Division of Credit Unions; and

(F) Forward to the director of the Division of Credit Unions its monthly financial statements and board of directors' minutes by the fifteenth of each month.

AUTHORITY: section 370.040(5), RSMo 1986. This rule originally filed as 4 CSR 100-2.035. Original rule filed Oct. 17, 1985, effective Jan. 26, 1986. Moved to 20 CSR 1100-2.035, effective Aug. 28, 2006.*

**Original authority: 370.040(5), RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972.*

20 CSR 1100-2.040 Loans

PURPOSE: This rule establishes the requirement of maintaining current written lending policies and establishes requirements concerning loans to certain credit union officials.

(1) Each credit union will maintain current written lending policies. Written lending policies will be sufficiently detailed to adequately address all lending activities and products.

(2) No member of the board of directors or of the supervisory or credit committee shall enter into loan contracts with the credit union where the total loans outstanding at any one

(1) time shall exceed twenty-five thousand dollars (\$25,000), except for loans secured by mortgages on primary and secondary borrower-occupied residences, negotiable securities, licensed motor vehicles (licensed motor vehicle shall be defined as a noncommercial vehicle licensed to operate on a highway or waterway) or shares. It is recommended that employees of the credit union shall be subject to similar loan restrictions.

(3) In processing the loan application of a member of the board of directors or of the credit or supervisory committee where the official makes application to the credit union of which s/he is an official, the loan application must be approved by the loan officer in the manner provided in the Credit Union Act and the bylaws of the credit union adopted and where the loan is so approved.

(4) When a member of the board of directors or of the credit or supervisory committee makes application to the credit union of which s/he is an official—

(A) The approval of the loan application shall be reported at the next regularly scheduled meeting of the board of directors. The minutes of the meeting of the board shall include the name of applicant and amount of loan;

(B) An application for an increase in the credit limit of a previously approved line of credit or credit card loan is considered a new application which, if approved, shall be reported to the board. Periodic advances on a previously approved and properly reported line of credit or credit card loan shall not be considered a new application if the previously approved credit limit is not exceeded;

(C) Any loan to a member of the board of directors or to a member of the supervisory or credit committee that becomes sixty (60) days or more delinquent shall be reported to the board of directors by the president or manager at the next board meeting following the discovery of the delinquency. That report shall be included in the board minutes. A copy of this report shall be forwarded by mail to the director of the Division of Credit Unions. The board then shall act to make appropriate arrangements to bring the loan(s) current. Arrangements to bring the loan current shall be on terms no more favorable than those available to other members and be acceptable to the director of the Division of Credit Unions. In no event shall a loan to an official become more than ninety (90) days delinquent nor shall any loan remain thirty (30) days or more delinquent for more than one hundred eighty (180) consecutive days;

(D) No director or member of the credit or the supervisory committee in any manner, directly or indirectly, shall participate in the deliberation of any question affecting his/her application for a loan; and

(E) These provisions also are applicable to officials who enter into contracts for a loan(s) as co-makers.

(5) The credit union's board of directors must adopt a clear and concise policy regarding employees and elected officials and their immediate family members bidding on and/or purchasing assets, such as vehicles, that were previously repossessed by the credit union. The credit union must also implement the proper steps to ensure the policy is followed, which should include preventing the possibility of insider abuse, which includes a bidding process. Any purchases of credit union assets, by employees or elected officials or members of their immediate family, must be reported to



the board of directors and recorded in the board minutes.

AUTHORITY: section 370.100, RSMo 2000. This rule originally filed as 4 CSR 100-2.040. Original rule filed Jan. 15, 1968, effective Jan. 25, 1968. Amended: Filed Sept. 14, 1972, effective Sept. 24, 1972. Amended: Filed Dec. 15, 1975, effective Dec. 25, 1975. Amended: Filed June 8, 1976, effective Sept. 11, 1976. Emergency amendment filed Feb. 14, 1984, effective Feb. 24, 1984, expired June 23, 1984, effective June 11, 1984. Amended: Filed May 4, 1987, effective July 23, 1987. Amended: Filed Oct. 12, 1988, effective Feb. 11, 1989. Amended: Filed Oct. 11, 1991, effective March 9, 1992. Amended: Filed Aug. 9, 2001, effective Feb. 28, 2002. Moved to 20 CSR 1100-2.040, effective Aug. 28, 2006. Amended: Filed April 29, 2008, effective Nov. 30, 2008.*

**Original authority: 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972.*

St. Louis Teachers' Credit Union v. Marsh, 585 SW2d 474 (Mo. banc 1979). Statute establishing rates of interest for credit union loans different from those of other lending institutions violates Article III, section 44 of the Missouri Constitution and is void.

20 CSR 1100-2.050 Credit Union Inter-lending

PURPOSE: This rule establishes the basic lending policies for credit unions who borrow or lend money to other credit unions (see section 370.070(8), RSMo for statutory provisions).

(1) State-chartered credit unions having surplus funds over and above their need in making loans to their members may lend to other credit unions, provided the following guidelines and conditions are followed:

(A) The borrowing credit union must submit to the lending credit union and to the director of Division of Credit Unions a current financial and statistical report and a copy of the resolution of the board of directors authorizing the request for the loan signed by the chief executive officer and secretary; and

(B) The terms of the loans are not to exceed a period of one (1) year and can be repaid in part or in full at any time before the date due.

AUTHORITY: section 370.100, RSMo 1986. This rule originally filed as 4 CSR 100-2.050. Original rule filed Jan. 15, 1968, effective*

Jan. 25, 1968. Amended: Filed Sept. 14, 1972, effective Sept. 24, 1972. Amended: Filed Dec. 15, 1975, effective Dec. 25, 1975. Emergency amendment filed Feb. 14, 1984, effective Feb. 24, 1984, expired June 23, 1984. Amended: Filed March 12, 1984, effective June 11, 1984. Moved to 20 CSR 1100-2.050, effective Aug. 28, 2006.

**Original authority: 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972.*

20 CSR 1100-2.055 Allowance for Loan Loss

PURPOSE: This rule sets forth certain provisions regarding the establishment and maintenance of the allowance for loan loss account in conformity with generally accepted accounting principles.

(1) All credit unions shall maintain an allowance for loan loss account. Credit unions that have not in the past considered inherent losses in establishing the balance in this account may transfer the initial amount applicable to inherent losses from the regular reserve or undivided earnings.

(2) The allowance for loan loss account shall represent an estimate of loan losses in the entire loan portfolio, including estimated inherent losses, in conformity with generally accepted accounting principles and meet regulatory requirements for full and fair disclosure. The allowance account will be adjusted at least quarterly or more often as required. All adjustments to increase or decrease the allowance account will be made to the provision for loan loss expense. All charged off loans and recoveries will be to the allowance account. In view of the legal requirement to maintain a regular reserve at the end of each dividend period an amount equal to the net amount charged to provision for loan loss expense will be debited to regular reserve and credited to the undivided earnings account.

(3) Full and complete documentation of the determination of the balance of the allowance account must be maintained by the credit union.

AUTHORITY: section 370.100, RSMo 1986. This rule originally filed as 4 CSR 100-2.055. Original rule filed Oct. 17, 1985, effective Jan. 26, 1986. Amended: Filed Nov. 25, 1991, effective April 4, 1992. Moved to 20 CSR 1100-2.055, effective Aug. 28, 2006.*

**Original authority: 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972.*

20 CSR 1100-2.060 Delinquent Loan and Extension Agreements Reporting Procedures

PURPOSE: This rule sets forth reporting requirements for delinquent loans and extension agreements and establishes minimum standards for charging off loans.

(1) The scheduling or classifying of delinquent loans shall be on the contract basis. This means that the status of the accounts is determined by comparing the amount of money or the number of full payments received against the amount of money or the number of full payments that should have been made in accordance with the contract (note). Delinquencies of a partial month shall be considered a full month when scheduling or classifying delinquent loans.

(2) Each credit union shall maintain a monthly schedule of delinquent loans which shall list in columnar form the account number, name of borrower, date of loan, date of last payment, original amount of loan and outstanding balance of loan at date of schedule and share balance, together with space to note current action or status.

(3) The unpaid balances of loans shall be set apart in columns of the schedule of delinquent loans which will indicate the extent of delinquency as determined by the oldest delinquent installment according to note contract, as follows:

(A) Loans on which the oldest delinquent installment is two (2) months, but less than six (6) months, past due;

(B) Loans on which the oldest delinquent installment is six (6) months, but less than twelve (12) months, past due; and

(C) Loans on which the oldest delinquent installment is past due twelve (12) months or more.

(4) In determining the oldest delinquent installment, all repayments received are to be considered as applying to installments in the order in which they came due.

(5) The schedule of delinquent loans shall be reviewed by the board of directors at least quarterly.

(6) Loans listed as twelve (12) months or more delinquent and classified Loss on the most recent state examination and are the same at the next annual examination or supervisory contact (which shall be not less than one hundred fifty (150) days from the day of the previous examination), with no change in



circumstances (change in circumstances shall be defined as receiving a minimum of twenty-five percent (25%) of scheduled monthly payments for the period), will be charged to the allowance for loan loss at that time. If the allowance for loan loss is insufficient, sufficient amounts will be charged to the provision for loan loss expense for that requirement. Upon written application by the board of directors, the director of credit unions, considering special circumstances, may waive this requirement.

(7) The proper control of extension agreements is of considerable significance and is singled out for special attention. Extension agreements, by their very nature, may lend themselves to misuse and must be monitored carefully by the board of directors at least quarterly. For purposes of this regulation, extension agreements do not include changes to payment schedules to facilitate changes in a borrower's pay schedule, assuming the borrower is current. However, for purposes of this regulation, the reporting of extension agreements does include the refinancing of delinquent loans for the purpose of removing them from the delinquent loan list or changing their delinquent status.

AUTHORITY: section 370.100, RSMo 2000. This rule originally filed as 4 CSR 100-2.060. Original rule filed Jan. 15, 1968, effective Jan. 25, 1968. Amended: Filed Sept. 14, 1972, effective Sept. 24, 1972. Amended: Filed Dec. 15, 1975, effective Dec. 25, 1975. Amended: Filed June 8, 1976, effective Sept. 11, 1976. Emergency amendment filed Feb. 14, 1984, effective Feb. 24, 1984, expired June 23, 1984. Amended: Filed March 12, 1984, effective June 11, 1984. Amended: Filed Jan. 6, 1986, effective April 25, 1986. Amended: Filed April 18, 2001, effective Oct. 30, 2001. Moved to 20 CSR 1100-2.060, effective Aug. 28, 2006. Amended: Filed April 29, 2008, effective Nov. 30, 2008.*

**Original authority: 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972.*

20 CSR 1100-2.070 Completing Dissolution of Credit Union

PURPOSE: This rule outlines the procedures for liquidating a credit union which enters dissolution either voluntarily or involuntarily (see section 370.350, RSMo for more information regarding dissolutions).

(1) Immediately following the receipt of consent of dissolution from the director of credit unions, the liquidating agent will file a list of

all members holding accounts in the credit union, showing the number, name, share and loan balances.

(2) The liquidating agent will begin filing the following quarterly reports with the director at his/her office in Jefferson City, Missouri:

(A) A financial and statistical report;

(B) A list of each loan account, showing number, name, total payments since last report and balance. S/he also shall report action taken toward collection;

(C) Copy of the minutes of all board meetings since last report. Minutes shall show any court action for or against credit union; and

(D) Statement of total amount and rate of any refund or partial refund of shares to members before final distribution.

(3) The liquidating agent shall present plan of final distribution of funds to director of credit unions for approval.

(4) Upon written approval of the director, the liquidating agent shall make final payment to members.

(5) The liquidating agent shall report to the director the date of final dissolution of the credit union and shall submit an analysis of the disposition of all funds to members.

(6) S/he then shall report the location of the storage of the credit union's books and records for five (5) subsequent years.

AUTHORITY: section 370.100, RSMo 1986. This rule originally filed as 4 CSR 100-2.070. Original rule filed Jan. 15, 1968, effective Jan. 25, 1968. Amended: Filed Sept. 14, 1972, effective Sept. 24, 1972. Amended: Filed Dec. 15, 1975, effective Dec. 25, 1975. Emergency amendment filed Feb. 14, 1984, effective Feb. 24, 1984, expired June 23, 1984. Amended: Filed March 12, 1984, effective June 11, 1984. Moved to 20 CSR 1100-2.070, effective Aug. 28, 2006.*

**Original authority: 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972.*

Op. Atty. Gen. No. 56, Mackey, 5-15-53. A solvent credit union, subject to provisions of Chapter 370, RSMo (1949), but which cannot effect liquidation and dissolution under the provisions of that chapter, may do so under the provisions of Chapter 351, RSMo (1949).

20 CSR 1100-2.075 Mergers and Consolidations

PURPOSE: This rule outlines certain procedures state-chartered credit unions must follow in order to complete a merger or consolidation that involves a Missouri state-chartered credit union.

(1) Definitions. The following words and terms, when used in this section, shall have the following meanings, unless the context clearly indicates otherwise.

(A) Surviving credit union—The credit union that will continue in operation after the merger.

(B) Merging credit union—The credit union that will cease to exist as an operating state-chartered credit union at the time of the merger.

(C) Consolidating credit union—The credit unions that will cease to exist and will consolidate into a new credit union.

(D) Director—The director of the Missouri Division of Credit Unions.

(2) Any two (2) or more credit unions formed under the laws of the state of Missouri or any credit union(s) formed under the laws of the state of Missouri and any credit union formed under the laws of any other state or of the United States of America which is formed for the same purpose for which a credit union might be formed under the laws of this state, may merge into one of such credit unions or consolidate into a new credit union.

(3) The affected credit unions shall notify the director in writing of their intent to merge or consolidate within fourteen (14) days after the credit unions' boards of directors formally agree in principle to merge or consolidate.

(4) Upon approval of a proposal for merger by a majority of the board of directors, the credit unions must prepare a plan for the proposed merger. This plan shall include:

(A) The names of the credit unions proposing to merge and the name of the credit union into which they propose to merge, which is defined as the "surviving credit union";

(B) The terms and conditions of the proposed merger and the mode of carrying the same into effect, hereinafter, referred to as the Articles of Merger and/or the Merger Agreement;

(C) The manner and basis of converting the membership shares of each merging credit union into the membership shares of the surviving credit union;



(D) A statement of any changes in the articles of agreement and the bylaws of the surviving credit union effected by such merger;

(E) The current financial reports of each credit union as follows:

1. Current financial statements for both credit unions;

2. Current delinquent loan summaries and analyses of the adequacy of the Allowance for Loan and Lease Losses account;

3. Consolidated financial statements, including an assessment of the generally accepted accounting principles (GAAP) net worth of each credit union before the merger and the GAAP net worth of the continuing credit union after the merger;

4. Analysis of share values;

5. Explanation of any proposed share adjustments;

6. Explanation of any provisions for reserves, undivided earnings or dividends;

7. Provisions with respect to notification and payment of creditors; and

8. Explanation of any changes relative to insurance, such as life savings and loan protection insurance and insurance of member accounts;

(F) Disclosure of financial benefit to be received by the officers, senior management, and directors other than those available to ordinary members;

(G) An explanation of any proposed adjustments to the members' shares, provisions for reserves, or undivided earnings;

(H) A summary of the products and services proposed to be available to the members of the surviving credit union that may differ from those available at the merging credit union, with an explanation of the effects of any changes from the current products and services provided to the members of the merging credit union;

(I) A summary of the advantages and disadvantages of the merger; and

(J) Any other items deemed critical to the merger agreement by the boards of directors.

(5) An application for approval of the merger will be complete when the following information is submitted to the director:

(A) The merger plan, as described in this rule;

(B) A copy of the corporate resolution of each board of directors formally agreeing in principle to merge;

(C) A copy of the corporate resolution of each board of directors formally approving the Articles of Merger, and/or the Merger Agreement;

(D) The proposed Notice of Special or Annual Meeting of the members;

(E) A copy of the ballot form to be sent to the members;

(F) A written explanation as to the voting procedures; and

(G) A request for a waiver of the requirement that the plan be voted on by the members of the merging credit unions, as allowed by section 370.353(3), if the credit union seeking the waiver is in financial difficulty, if its field of membership is being lost or substantially reduced, or if it has only limited potential of growth.

(6) If the surviving credit union is organized under the laws of another state or of the United States, the director may accept an application to merge that is prescribed by the state or federal supervisory authority of the surviving credit union, provided that the director may require additional information to determine whether to deny or approve the merger. The application will be deemed complete upon receipt of all information requested by the director.

(7) The director may grant preliminary approval of an application for merger conditioned upon specific requirements being met. However, final approval shall not be granted unless such conditions have been met within the time specified in the preliminary approval and until approval has been granted by the National Credit Union Administration.

(8) The director shall deny an application for merger if the director finds any of the following:

(A) The financial condition of the merging credit union before the merger is such that it will likely jeopardize the financial stability of the surviving credit union or prejudice the financial interests of the members, beneficiaries or creditors of either credit union;

(B) The plan includes a change in the products or services available to members of the merging credit union that substantially harms the financial interests of the members, beneficiaries or creditors of the merging credit union;

(C) The officers, directors and/or senior management are to receive undue financial benefits not ordinarily received by similar credit unions and which are not available to ordinary members;

(D) The credit unions do not furnish to the director all information requested by the director which is material to the application; or

(E) The merger would be contrary to law or regulation.

(9) Upon approval of the plan of merger, the board of directors shall direct, by resolution, that the plan be submitted to a vote at a meeting to be called within sixty (60) days of the approval by the director. Advance notice of the meeting shall be given by letter addressed to each member at the last known address currently reflected on the books of the credit union. This notice must be sent no more than thirty (30) days and no less than fourteen (14) days prior to the meeting at which the special merger will be voted on. The notice must:

(A) Specify the purpose of the meeting and the date, time and place;

(B) Contain a summary of the merger plan, including but not necessarily limited to current financial statements for each credit union, a consolidated financial statement for the continuing credit union, analyses of share values, explanation of any proposed share adjustments, explanation of any changes relative to insurance, such as life savings and loan protection insurance and insurance of member accounts;

(C) State reasons for the proposed merger;

(D) Provide name and location, including branches, of the continuing credit union;

(E) Inform the members that they have the right to vote on the merger proposal in person at the meeting, by written ballot to be received no later than the date and time announced for the meeting called for that purpose, or by an alternative method that is approved by the director; and

(F) Be accompanied by a Ballot for Merger Proposal and instructions on how to vote in an alternative manner, which shall be included in or enclosed with the notice.

(10) Approval of a proposal to merge a credit union into another credit union requires the affirmative vote of a majority of the members of the merging credit union who vote on the proposal.

(11) The board of directors of the merging credit union shall appoint or hire independent tellers of elections.

(12) The board of directors of the surviving credit union named in any such plan of merger need not submit the merger plan to its members but shall, instead, approve such merger plan according to the procedure stated in section 370.351, RSMo.

(13) The membership shall have the ability to complete a ballot by mail. This mail ballot may be in the form of an absentee ballot request that accompanies the notice of meeting or in the form of an actual ballot that is to be mailed.



(14) With prior approval of the director, a credit union may accept member votes by an alternative method that is reasonably calculated to ensure each member has an opportunity to easily vote on the merger.

(15) The director may waive any membership meeting required above upon the request of the board of directors of the merging credit union if the credit union seeking the waiver is in financial difficulty, if its field of membership is being lost or substantially reduced, or if it has only limited potential of growth.

(16) Upon approval of the merger plan by the membership, if applicable, the certification of vote will be completed, signed and submitted, along with necessary amendments to the surviving credit union's bylaws, to the director for final approval. If applicable, the director will forward his/her approval to the National Credit Union Administration for insurance approval. Upon the National Credit Union Administration's final approval, a certificate of merger will be issued to the surviving credit union. Necessary amendments to the surviving credit union's bylaws shall also be submitted at this time.

(17) Upon receipt of the director and the National Credit Union Administration's approval, the records of the credit unions shall be combined as of the effective date of the merger. The board of the directors of the surviving credit union shall certify the completion of the merger to the director within thirty (30) days after the effective date of the merger.

(18) Upon receipt by the director of the completion of the merger certification, a copy will be sent to the National Credit Union Administration, any bylaw amendments will be approved and the charter of the merging credit union will be cancelled.

(19) Upon approval of a proposal for consolidation by a majority vote of the members of the board, the credit unions shall prepare a Plan of Consolidation setting forth:

(A) The names of the credit unions proposing to consolidate and the name of the new credit union;

(B) The terms and conditions of the proposed consolidation and the mode of carrying the same into effect, referred to as the Articles of Consolidation and/or the Consolidation Agreement;

(C) The manner and basis of converting the membership shares, assets and liabilities of each credit union into membership shares

or assets and liabilities of the new credit union;

(D) With regard to the new credit union, all of the statements required to be set forth in the articles of agreement and the bylaws for credit unions;

(E) The current financial reports of each credit union, as follows:

1. Current financial statements;

2. Current delinquent loan summaries and analyses of the adequacy of the Allowance for Loan and Lease Losses account;

3. Consolidated financial statements, including an assessment of the generally accepted accounting principles (GAAP) net worth of each credit union before the consolidation, and the GAAP net worth of the new credit union after the consolidation;

4. Analyses of share values;

5. Explanation of any proposed share adjustments;

6. Explanation of any provisions for reserves, undivided earnings or dividends;

7. Provisions with respect to notification and payment of creditors;

8. Explanation of any changes relative to insurance, such as life savings and loan protection insurance and insurance of member accounts;

(F) Financial benefit to be received by the officers, senior management, and directors other than available to ordinary members; and

(G) Such other provisions with regard to the proposed consolidation as are deemed necessary or desirable.

(20) An application for approval of the consolidation will be complete when the following information is submitted to the director:

(A) The consolidation plan, as described in this rule;

(B) A copy of the corporate resolution of each board of directors formally agreeing in principle to consolidate;

(C) A copy of the corporate resolution of each board of directors formally approving the articles of consolidation, the consolidation agreement, if applicable, and the consolidation plan;

(D) The proposed Notice of Special or Annual Meeting of the members;

(E) A copy of the ballot form to be sent to the members;

(F) A written explanation as to the voting procedures; and

(G) A request for a waiver of the requirement that the plan be voted on by the members of each of the consolidating credit unions, as allowed by section 370.353(3), RSMo, if the credit union seeking the waiver

is in financial difficulty, if its field of membership is being lost or substantially reduced, or if it has only limited potential of growth.

(21) If the new credit union is organized under the laws of another state or of the United States, the director may accept an application to consolidate that is prescribed by the state or federal supervisory authority of the surviving credit union, provided that the director may require additional information to determine whether to deny or approve the consolidation. The application will be deemed complete upon receipt of all information requested by the director.

(22) The director may grant preliminary approval of an application for consolidation conditioned upon specific requirements being met. However, final approval shall not be granted unless such conditions have been met within the time specified in the preliminary approval and until approval has been granted by the National Credit Union Administration.

(23) The director shall deny an application for consolidation if the director finds any of the following:

(A) The financial condition of the merging credit union before the consolidation is such that it will likely jeopardize the financial stability of the new credit union or prejudice the financial interests of the members, beneficiaries or creditors;

(B) The plan includes a change in the products or services available to members of the new credit union that substantially harms the financial interest of the members, beneficiaries or creditors;

(C) The officers, directors and/or senior management are to receive undue financial benefits not ordinarily received by similar credit unions and which are not available to ordinary members;

(D) The credit unions do not furnish to the director all information requested by the director which is material to the application; or

(E) The consolidation would be contrary to law or regulation.

(24) Upon approval of the plan of consolidation, the board of directors shall direct, by resolution, that the plan be submitted to a vote at a meeting to be called within sixty (60) days of the approval by the director. Advance notice of the meeting shall be given by letter addressed to each member at the last known address currently reflected on the books of the credit union. This notice must be sent no more than thirty (30) days and no less than fourteen (14) days prior to the meeting at



which the consolidation will be voted on. The notice must:

(A) Specify the purpose of the meeting and the date, time and place;

(B) Contain a summary of the consolidation plan, including but not necessarily limited to current financial statements for each credit union, a consolidated financial statement for the new credit union, analyses of share values, explanation of any proposed share adjustments, explanation of any changes relative to insurance, such as life savings and loan protection insurance and insurance of member accounts;

(C) State reasons for the proposed consolidation;

(D) Provide name and location, including branches of the new credit union;

(E) Inform the members that they have the right to vote on the consolidation proposal in person at the meeting, by written ballot to be received no later than the date and time announced for the meeting called for that purpose, or by an alternative method that is approved by the director; and

(F) Be accompanied by a Ballot for Consolidation Proposal and instructions on how to vote in an alternative manner, which shall be included in or enclosed with the notice.

(25) Approval of a proposal to consolidate into another credit union requires the affirmative vote of a majority of the members who vote on the proposal.

(26) The board of directors of the consolidating credit unions shall appoint or hire independent tellers of elections.

(27) The membership shall have the ability to complete a ballot by mail. This mail ballot may be in the form of an absentee ballot request that accompanies the notice of meeting or in the form of an actual ballot that is to be mailed.

(28) With prior approval of the director, a credit union may accept member votes by an alternative method that is reasonably calculated to ensure each member has an opportunity to easily vote on the consolidation.

(29) The director may waive any membership meeting required above upon the request of the board of directors of any of the consolidating credit unions if the credit union(s) seeking the waiver is in financial difficulty, if its field of membership is being lost or substantially reduced, or if it has only limited potential of growth.

(30) Upon approval of the consolidation plan by the membership, if applicable, the certification of vote will be completed, signed and submitted, along with necessary amendments to the bylaws, to the director for final approval. If applicable, the director will forward his/her approval to the National Credit Union Administration for insurance approval. Upon the National Credit Union Administration's final approval, a certification of consolidation will be issued.

(31) Upon receipt of the director and the National Credit Union Administration's approval, the records of the credit unions shall be combined as of the effective date of the consolidation. The board of directors of the new credit union shall certify the completion of the consolidation to the director within thirty (30) days after the effective date of the consolidation.

(32) Upon receipt by the director of the completion of the consolidation certification, a copy will be sent to the National Credit Union Administration, any bylaw amendments will be approved and the charter of the consolidating credit unions will be cancelled.

AUTHORITY: sections 370.351, 370.352, 370.353, 370.354, 370.355, 370.356 and 370.357, RSMo 2000. Original rule filed June 14, 2006, effective Dec. 30, 2006.*

**Original authority: 370.351, RSMo 1955, amended 1982, 1988; 370.352, RSMo 1955, amended 1982, 1988; 370.353, RSMo 1955, amended 1982; 370.354, RSMo 1955, amended 1972, 1982; 370.355, RSMo 1955, amended 1972; 370.356, RSMo 1955; and 370.357, RSMo 1955, amended 1988.*

20 CSR 1100-2.080 Fiscal and Financial Services

PURPOSE: This rule establishes the procedures for a credit union to follow when it desires to initiate additional financial services such as money orders, travelers checks, and the like (see section 370.070(10), RSMo for statutory provisions).

(1) All fiscal and financial services not provided as a service to the members by the credit union shall have the approval of the director of credit unions before each new service is offered.

(2) Application for authority to provide each additional fiscal and financial service shall be made in writing to the director and shall contain a concise description of the service to be provided as well as projected cost of providing this service to the members and the pro-

jected fee structure and which fees would be charged to each member using the service. Accompanying the application shall be a copy of the most recent financial report of the credit union, as well as other documents that may support the feasibility of the credit union offering the service for which application was made.

(3) The director, from time-to-time, may approve programs for credit unions by which specific additional new services may be offered by credit unions to their members and the director also may establish prerequisites for credit unions who may elect to offer these services; and credit unions meeting these prerequisites may offer these services to their members.

(4) The director of the Division of Credit Unions authorizes all credit unions to offer the following business related services without prior approval unless the director orders a specific credit union to cease offering these services:

(A) Money orders, travelers' checks, letters of credit;

(B) Share draft accounts;

(C) Debit, credit, ATM and smart cards;

(D) Sale of insurance products;

(E) Any program servicing or granting loans;

(F) Any share program; or

(G) Sale of tickets, charitable or promotional items.

The credit union offering these services shall make available to the director, upon his/her request, the direct and indirect cost of providing the services together with a schedule of the fees charged for the services.

AUTHORITY: sections 370.070 and 370.100, RSMo 2000. This rule originally filed as 4 CSR 100-2.080. Original rule filed Sept. 14, 1972, effective Sept. 24, 1972. Amended: Filed Dec. 15, 1975, effective Dec. 25, 1975. Emergency amendment filed Feb. 14, 1984, effective Feb. 24, 1984, expired June 23, 1984. Amended: Filed March 12, 1984, effective June 11, 1984. Amended: Filed May 4, 1987, effective July 23, 1987. Amended: Filed June 16, 2003, effective Dec. 30, 2003. Moved to 20 CSR 1100-2.080, effective Aug. 28, 2006.*

**Original authority: 370.070, RSMo 1939, amended 1945, 1949, 1951, 1965, 1967, 1972, 1984, 1986, 1994; 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972.*



20 CSR 1100-2.085 Credit Union Service Organization (CUSO)

PURPOSE: This rule outlines certain procedures and practices a credit union is to follow when investing in or lending to a credit union service organization.

(1) Definition. A credit union service organization (CUSO) is a legal entity established by or funded by one (1) or more credit unions (with or without participation of other parties) to meet the needs of its member credit union(s) by providing services and performing activities that are associated with credit union operations.

(2) Structure. A credit union can invest in a CUSO, only if the CUSO is structured as a corporation, a limited liability company, or a limited partnership with the credit union participating as a limited partner. The credit union must obtain legal advice as to whether the organization and operation of the CUSO is in a manner that meets the goal of limited liability. In general, the corporate form must be adequately capitalized and operated as a separate entity. The limited partnership form must not engage in activities that would cause the limited partnership to be treated as a general partnership. For purposes of this rule, “corporation” means a legally incorporated corporation as established and maintained under relevant state or federal law.

(3) Funding. No single credit union’s investment(s) in and/or loan(s) to any or all CUSO(s) shall exceed in the aggregate twenty-five percent (25%) of the credit union’s net capital (reserves and undivided earnings), unless prior approval is obtained from the director of the Division of Credit Unions.

(4) Permissible Services and Activities. A credit union can invest in and/or lend to a CUSO, only if the CUSO complies with all applicable laws and limits its services and activities to the following general categories of services or activities:

- (A) Checking and currency services;
- (B) Clerical, professional and management services;
- (C) Loan origination;
- (D) Electronic transaction services;
- (E) Financial counseling services;
- (F) Fixed asset services;
- (G) Insurance brokerage or agency;
- (H) Leasing;
- (I) Loan support services;
- (J) Record retention, security and disaster recovery services;
- (K) Securities brokerage services;

(L) Shared credit union branch (service center) operations;

- (M) Travel agency services;
- (N) Trust and trust-related services;
- (O) Real estate brokerage services; or
- (P) Other services or activities approved by the director of the Division of Credit Unions.

(5) In connection with providing a permissible service, a CUSO may invest in a non-CUSO service provider. The amount of the CUSO’s investment is limited to the amount necessary to participate in the service provider, or a greater amount if necessary to receive a reduced price for goods or services.

(6) Prohibited Activities. A CUSO may not acquire control, directly or indirectly, of another depository financial institution nor invest in shares, stocks or obligations of an insurance company, trade association, liquidity facility of other similar organization. The credit union will not engage in any activities, contract for or enter into any form or manner of arrangement that will allow the credit union to be committed or potentially committed for an amount in excess of its legally allowed investment in or loans to the CUSO(s).

(7) Related Parties.

(A) The officials and senior management employees (and their immediate family members) of a credit union that has outstanding loans or investments in a CUSO must not receive any salary, commission, investment income, or other income or compensation from the CUSO either directly or indirectly, or from any person being served through the CUSO. This provision does not prohibit such credit union officials or senior management employees from assisting in the operation of a CUSO, provided the officials or senior management employees are not compensated by the CUSO. Further, the CUSO may reimburse the credit union for the services provided by such credit union officials and senior management employees only if the account receivable of the credit union due from the CUSO is paid in full at least every one hundred twenty (120) days. For purposes of this section, “official” means affiliated credit union directors or committee members. For purposes of this section, “senior management employee” means affiliated credit union chief executive officer (typically this individual holds the title of President or Treasurer/Manager), any assistant chief executive officers (e.g. Assistant President, Vice President, or Assistant Treasurer/Manager) and the chief financial officer (Comptroller). For purposes of this section, “immediate family

member” means a spouse or other family members living in the same household.

(B) The prohibition contained in subsection (A) of this section also applies to credit union employees not otherwise covered if the employees are directly involved in dealing with the CUSO unless the credit union’s board of directors determines that the credit union employees’ positions do not present a conflict of interest.

(C) All transactions with business associates or family members of credit union officials, senior management employees, and their immediate family members, not specifically prohibited by subsections (A) and (B) of this section must be conducted at arm’s length and in the interest of the credit union.

(8) Accounting.

(A) Credit unions must follow generally accepted accounting principles (GAAP) in their involvement with CUSOs.

(B) Credit unions must obtain, from any CUSO for which the credit union has an outstanding loan or investment, a certified public accountant (C.P.A.) audit on at least an annual basis and financial statements (balance sheet and income statement) on at least a quarterly basis.

(C) A CUSO must agree in writing with its participating credit unions to follow GAAP.

(9) Director Access to Books and Records.

(A) A CUSO must agree, in writing, with its participating credit unions to provide the director or his/her representative with complete access to any books and records of the CUSO and to make periodic reports in the manner and form deemed necessary by the director in carrying out his/her duties.

(B) Any findings made by the director or his/her representative that are intended for distribution to the CUSO’s participating credit unions shall be presented first to the CUSO’s board of directors. The CUSO shall be given fifteen (15) days to object in writing, with a detailed explanation, to any information contained in the director’s findings that the CUSO reasonably believes could jeopardize its independent relationship with the CUSO’s participating credit unions such that the credit unions would be exposed to liability. Such written objections shall be submitted to the director, who shall then make a determination as to the need to amend the findings prior to presenting them to the participating credit unions. The director or his/her representative may make such additional inquiries or investigations as deemed necessary for a determination of the issue.

(10) Right to Appeal. In any matter relating to a credit union’s interest in a CUSO that



requires the director to exercise his or her decision-making authority to approve or deny a credit union's request, the credit union may exercise its right to appeal the director's denial pursuant to the provisions of Chapter 536, RSMo. Such appeal shall be heard pursuant to sections 536.100 to 536.140, RSMo, if such matter is deemed a contested case following a hearing before the division as determined by rules promulgated by the director. If no such hearing is available for review of the director's decision, then the credit union may seek review pursuant to the remedies afforded in section 536.150, RSMo.

AUTHORITY: sections 370.070, 370.075, 370.100 and 370.120, RSMo 2000. This rule originally filed as 4 CSR 100-2.085. Original rule filed Oct. 17, 1985, effective Jan. 26, 1986. Amended: Filed Nov. 30, 2001, effective May 30, 2002. Moved to 20 CSR 1100-2.085, effective Aug. 28, 2006.*

**Original authority: 370.070, RSMo 1939, amended 1945, 1949, 1951, 1965, 1967, 1972, 1984, 1986, 1994; 370.075, RSMo 1965, amended 1972, 1982, 1988; 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972; and 370.120, RSMo 1939, amended 1945, 1945, 1949, 1955, 1959, 1972.*

20 CSR 1100-2.090 Unlocatable Members: Small Share Balances: How to Handle

PURPOSE: This rule gives the procedures for handling inactive accounts of unlocatable members (see sections 370.260(2) and 370.340, RSMo for statutory requirements on expelling or withdrawing member accounts).

(1) Where a member of a credit union cannot be located, and when no contact has been had with the member, and when the member has a small share balance with the credit union, even though the credit union may elect to group the small balances in a single account for bookkeeping purposes, as long as the credit union has not expelled that member pursuant to the provisions of section 370.340, RSMo, the shares remain the property of the member and dividends are to be credited to the account.

(2) When nonlocatable members are expelled pursuant to the Credit Union Act, share balances in those members' accounts shall be transferred to an unlocatable member accounts payable account and no further dividend shall be credited to these accounts; however, a record shall be maintained in the event the member later makes a claim upon the credit union for his/her share balance, which shall be paid to him/her. All credit

unions are required to file an annual report and remit all unclaimed property to Missouri per Chapter 470, RSMo.

(3) If the total of unlocated member shares exceeds ten percent (10%) of the regular reserve fund, the financial statement will be footnoted to show the entire amount of unlocated shares as a potential liability.

(4) When unlocated member share accounts exist and they are grouped together into a single account for bookkeeping purposes, this account should be labeled Unlocatable Member Shares and it should be listed separately on the monthly financial statement, but combined with the regular share accounts on the annual report; and this account shall be credited with dividends each dividend period.

(5) Attempts to locate members carried as unlocatable pursuant to this rule may be made by using a locator service under the provision of section 370.260(2), RSMo.

AUTHORITY: section 370.100, RSMo 1986. This rule originally filed as 4 CSR 100-2.090. Original rule filed Sept. 14, 1972, effective Sept. 24, 1972. Amended: Filed Dec. 15, 1975, effective Dec. 25, 1975. Emergency amendment filed Feb. 14, 1984, effective Feb. 24, 1984, expired June 23, 1984. Amended: Filed March 12, 1984, effective June 11, 1984. Amended: Filed May 4, 1987, effective July 23, 1987. Moved to 20 CSR 1100-2.090, effective Aug. 28, 2006.*

**Original authority: 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972.*

20 CSR 1100-2.100 Audits in Lieu of Examination: Procedure

PURPOSE: This rule establishes the requirements to be met before a credit union may have an audit in place of the regular examination by the division (see section 370.120(3), RSMo for statutory provisions).

(1) The reports of an auditor who has audited a credit union may be accepted by the director in lieu of an examination by his/her office, where the auditor has been approved by the director for the audit on the basis of a written application from the credit union for the acceptance of the audit in lieu of examination. Further, the director, in approving the performance of the audit, may require the submission of various classes of data, delineated by him/her, to be reported in the manner required by him/her and upon forms as s/he may require.

AUTHORITY: section 370.100, RSMo 1986. This rule originally filed as 4 CSR 100-2.100. Original rule filed Sept. 14, 1972, effective Sept. 24, 1972. Amended: Filed Dec. 15, 1975, effective Dec. 25, 1975. Moved to 20 CSR 1100-2.100, effective Aug. 28, 2006.*

**Original authority: 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972.*

20 CSR 1100-2.120 Credit Union Investments: Savings and Loan Associations and Savings Banks

PURPOSE: This rule establishes the requirements a credit union must meet when investing in federal and state-chartered savings and loan associations and saving banks (see section 370.075(4), RSMo for statutory provisions).

(1) With the statutory limitation of twenty-five percent (25%) of a credit union's capital, surplus and reserve funds, credit unions may invest in accounts of federally insured savings and loan associations and savings banks. Attention is called to the fact that where the investment in any one (1) savings and loan association or savings bank exceeds one hundred thousand dollars (\$100,000), all funds in excess of one hundred thousand dollars (\$100,000) are uninsured funds. Subsidiary ledgers shall be maintained to detail multiple investment transactions.

AUTHORITY: section 370.100, RSMo 1994. This rule originally filed as 4 CSR 100-2.120. Original rule filed Sept. 14, 1972, effective Sept. 24, 1972. Amended: Filed Dec. 15, 1975, effective Dec. 25, 1975. Amended: Filed June 8, 1976, effective Sept. 11, 1976. Amended: Filed Aug. 13, 1980, effective Jan. 30, 1981. Amended: Filed May 4, 1987, effective July 23, 1987. Amended: Filed Oct. 12, 1988, effective Feb. 11, 1989. Amended: Filed Nov. 20, 1997, effective June 30, 1998. Moved to 20 CSR 1100-2.120, effective Aug. 28, 2006.*

**Original authority: 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972.*

20 CSR 1100-2.130 Credit Union Investments: United States Government Securities and Obligations

PURPOSE: This rule lists those United States government securities and obligations that are acceptable investments for credit unions (see section 370.075(1), RSMo for statutory requirements).



(1) The following list of securities and obligations of the federal government of the United States of America is approved for investment by Missouri credit unions: United States Savings and Treasury Bonds acquired by a direct purchase, Federal Intermediate Credit Bank Debentures, Federal Home Loan Bank Notes, Federal Home Loan Bank Board Debentures, Federal Land Bank Bonds, Federal National Mortgage Association, and Government National Mortgage Association.

(2) In addition, any state-chartered credit union may invest in any instrument that is acceptable for a federal credit union to invest in under federal rules and regulations.

(3) The listed investments are considered safe for all credit unions without regard to their size or management ability.

(A) Further, credit unions are cautioned to take adequate time and thought before investing in long-term, nonredemption-type securities.

(B) Subsidiary ledgers shall be maintained to detail multiple investment transactions.

AUTHORITY: section 370.100, RSMo 2000. This rule originally filed as 4 CSR 100-2.130. Original rule filed Sept. 14, 1972, effective Sept. 24, 1972. Amended: Filed Dec. 15, 1975, effective Dec. 25, 1975. Amended: Filed Aug. 13, 1980, effective Jan. 30, 1981. Amended: Filed May 4, 1987, effective July 23, 1987. Moved to 20 CSR 1100-2.130, effective Aug. 28, 2006. Amended: Filed April 29, 2008, effective Nov. 30, 2008.*

**Original authority: 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972.*

Op. Atty. Gen. No. 27, Mackey, 1-24-63. Missouri credit unions are authorized to invest their funds in bonds of school districts.

20 CSR 1100-2.135 Credit Union Investments: Other

PURPOSE: This rule lists those additional securities that are acceptable investments for credit unions (see section 370.075(1), RSMo for statutory requirements).

(1) The following securities are approved for investment of Missouri credit unions: bankers' acceptances and federal funds of insured domestic banks. No investment in any such single institution or corporation shall exceed five percent (5%) of the credit union's shares, surplus and reserve fund, nor shall the previously mentioned investments exceed in the aggregate twenty-five percent

(25%) of the credit union's shares, surplus and reserve fund.

(2) Other securities, with the approval of the director of the Division of Credit Unions, as may be permissible for investment by federally chartered credit unions.

(3) Recognizing the increasing complexity and importance of safe and sound investment decisions by credit unions, investment policy is singled out for special attention. Each credit union will maintain written investment policies. The investment policies will be as detailed as is applicable to adequately address the degree of the individual credit union's investment strategy and practice and to be in conformity with overall funds management policy.

(4) Missouri credit unions may invest in Collateralized Mortgage Obligations (CMOs) rated at least AA or better by a nationally recognized rating firm. Should the rating of the instrument fall below the AA rating, the credit union will mark the investment to market and should divest itself of the security as soon as possible. The board of directors is responsible for determining the permissibility of an investment which should be supported by legal opinion from an independent source. In the aggregate, investments in CMOs shall not exceed twice the amount of unimpaired equity of a credit union (regular reserves, undivided earnings and unencumbered reserves). A credit union may request in writing an exemption from the director for the aggregate limit.

(5) In addition, any state-chartered credit union may invest in any instrument that is acceptable for a federal credit union to invest in under federal rules and regulations.

AUTHORITY: section 370.075(7), RSMo 2000. This rule originally filed as 4 CSR 100-2.135. Emergency rule filed Feb. 14, 1984, effective Feb. 24, 1984, expired June 23, 1984. Original rule filed March 12, 1984, effective June 11, 1984. Amended: Filed May 4, 1987, effective July 23, 1987. Amended: Filed Oct. 12, 1988, effective Feb. 11, 1989. Moved to 20 CSR 1100-2.135, effective Aug. 28, 2006. Amended: Filed April 29, 2008, effective Nov. 30, 2008.*

**Original authority: 370.075(7), RSMo 1965, amended 1975, 1982, 1988.*

20 CSR 1100-2.160 Call Reports

PURPOSE: This rule establishes requirements for submitting call reports to the Division of Credit Unions.

(1) State-chartered credit unions shall submit call reports and supplemental information to the Division of Credit Unions as prescribed by the director, as often as four (4) times a year, but no more often than a credit union is required to file a call report with the National Credit Union Administration.

AUTHORITY: section 370.100, RSMo 2000. This rule originally filed as 4 CSR 100-2.160. Original rule filed Dec. 15, 1975, effective Dec. 25, 1975. Amended: Filed June 8, 1976, effective Sept. 11, 1976. Emergency amendment filed Feb. 14, 1984, effective Feb. 24, 1984, expired June 23, 1984. Amended: Filed March 12, 1984, effective June 11, 1984. Amended: Filed Aug. 9, 2001, effective Feb. 28, 2002. Moved to 20 CSR 1100-2.160, effective Aug. 28, 2006.*

**Original authority: 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972.*

20 CSR 1100-2.170 Audit of Supervisory Committee

PURPOSE: This rule establishes the basis of required audits by or for the supervisory committee, lines of authority and responsibility, and penalties for noncompliance with section 370.230, RSMo.

(1) The annual audit required by section 370.230(5), RSMo shall be performed by the supervisory committee or by contract with an audit firm acceptable to the Division of Credit Unions within the budget set by the board of directors.

(2) A copy of the annual audit required to be performed under section 370.230, RSMo shall be submitted to the director of credit unions within thirty (30) days of the completion.

(3) Failure of the supervisory committee to make or cause to be made acceptable examinations and the annual audit as required in 370.230, RSMo may result in the director of credit unions requiring an outside independent audit of the books and records of the credit union. Cost of the audit shall be paid by the credit union.

AUTHORITY: section 370.100, RSMo 1986. This rule originally filed as 4 CSR 100-2.170.*



Original rule filed Dec. 15, 1975, effective Dec. 25, 1975. Emergency amendment filed Feb. 14, 1984, effective Feb. 24, 1984, expired June 23, 1984. Amended: Filed March 12, 1984, effective June 11, 1984. Moved to 20 CSR 1100-2.170, effective Aug. 28, 2006.

*Original authority: 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972.

20 CSR 1100-2.185 Investments in Fixed Assets

PURPOSE: This rule limits the amounts that may be invested in fixed assets to a maximum of five percent of total assets unless approval of the director of the Missouri Division of Credit Unions is obtained to exceed that figure. The specified limitation will avoid excessive loss of income through over-investment in nonincome-producing assets.

(1) No credit union may invest more than five percent (5%) of total assets in fixed assets (land and buildings) without the prior approval of the director of the Missouri Division of Credit Unions.

AUTHORITY: sections 370.075 and 370.100, RSMo 2000. * This rule originally filed as 4 CSR 100-2.185. Original rule filed Aug. 13, 1980, effective Jan. 30, 1981. Amended: Filed Dec. 15, 2000, effective June 30, 2001. Moved to 20 CSR 1100-2.185, effective Aug. 28, 2006.

*Original authority: 370.075, RSMo 1965, amended 1975, 1982, 1988; 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972.

20 CSR 1100-2.190 Special Shares and Thrift Accounts

PURPOSE: This rule defines special share and thrift accounts. It also sets up the procedures and guidelines to follow when establishing special share and thrift accounts (see section 370.070(1) and (9), RSMo for the statutory requirements).

(1) A special share shall be issued only to members of the credit union. The terms and conditions under which any class of special shares is issued shall be passed on by the board of directors. Special shares will not be superior in rank to or have the right to prior payment over general shares or other classes of special shares.

(2) A thrift account shall be available only to nonmembers of the credit union. The terms and conditions under which any type thrift account is to be authorized shall be passed upon by the board of directors. Thrift accounts which are not insured by the National Credit Union Share Insurance Fund (NCUSIF) will be inferior in rank to and will not have the right to prior payment over general or special shares.

AUTHORITY: sections 370.100, RSMo 1994 and 370.350, RSMo Supp. 1999. * This rule originally filed as 4 CSR 100-2.190. Original rule filed Dec. 15, 1975, effective Dec. 25, 1975. Amended: Filed June 8, 1976, effective Sept. 11, 1976. Amended: Filed Sept. 10, 1981, effective Dec. 11, 1981. Emergency amendment filed Feb. 14, 1984, effective Feb. 24, 1984, expired June 23, 1984. Amended: Filed March 12, 1984, effective June 11, 1984. Amended: Filed Nov. 20, 1997, effective June 30, 1998. Amended: Filed Dec. 17, 1999, effective June 30, 2000. Moved to 20 CSR 1100-2.190, effective Aug. 28, 2006.

*Original authority: 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972 and 370.350, RSMo 1939, amended 1945, 1972, 1985, 1993, 1995.

20 CSR 1100-2.205 Deposit and Securing of Public Funds

PURPOSE: This rule allows credit unions to accept public funds for deposit (see sections 148.660, 370.070, 370.071 and 370.400 RSMo).

(1) All state-chartered credit unions shall have the power to receive deposits from an officer, employee or agent of nonmember units of federal, Indian tribal, state, local governments and political subdivisions, subject to the terms, rates and conditions as may be established by the board of directors.

(2) No credit union may pledge its assets to secure or collateralize deposits other than deposits or public funds held by a political subdivision. The only assets allowed to be pledged in this instance will be those that have or are currently deemed to be eligible to be pledged by the Missouri state treasurer.

AUTHORITY: sections 110.060, 362.190, 362.490, and 370.070, RSMo 2000, sections 30.270, 370.071, and 370.400, RSMo Supp. 2007, * and section 107 (12 U.S.C. 1757). This rule originally filed as 4 CSR 100-2.205. Emergency rule filed Feb. 14, 1984, effective Feb. 24, 1984, expired June 23, 1984. Orig-

inal rule filed March 12, 1984, effective June 11, 1984. Amended: Filed Nov. 1, 2004, effective April 30, 2005. Moved to 20 CSR 1100-2.205, effective Aug. 28, 2006. Amended: Filed April 29, 2008, effective Nov. 30, 2008.

*Original authority: 30.270, RSMo 1939, amended 1945, 1945, 1957, 1959, 1965, 1969, 1973, 1975, 1979, 1983, 1987, 1988, 1993, 1998, 2003, 2005; 110.060, RSMo 1939, amended 1953; 362.190, RSMo 1939; 362.490, RSMo 1939; 370.070, RSMo 1939, amended 1945, 1949, 1951, 1965, 1967, 1972, 1984, 1986, 1994; 370.071, RSMo 1977, amended 1978, 1986, 1991, 2007; and 370.400, RSMo 2004.

20 CSR 1100-2.220 External Deposits

PURPOSE: This rule limits the possibility of several types of unsafe and unsound uses of deposits from external sources.

(1) For purposes of this rule only the following definitions shall apply:

(A) Nonmember shall mean any natural person or legal entity, whether or not eligible for membership, not belonging to the credit union into which a deposit is being made; and

(B) Nonnatural person shall mean any legal entity such as a governmental unit, corporation, credit union, association or other similar entity other than a natural person.

(2) Any credit union which receives deposits from nonmember nonnatural persons must notify the director of credit unions, in writing, within ten (10) days of the balance of all such deposits exceeding five percent (5%) of total shares and deposits.

AUTHORITY: section 370.100, RSMo 2000. * This rule originally filed as 4 CSR 100-2.220. Emergency rule filed May 11, 1984, effective May 21, 1984, expired Sept. 18, 1984. Original rule filed May 11, 1984, effective Aug. 11, 1984. Amended: Filed Dec. 15, 2000, effective June 30, 2001. Moved to 20 CSR 1100-2.220, effective Aug. 28, 2006.

*Original authority: 370.100, RSMo 1939, amended 1945, 1945, 1949, 1959, 1967, 1972.

20 CSR 1100-2.230 Security Program, Report of Crime and Catastrophic Act and Bank Secrecy Act Compliance: Federal Insurance Requirements

PURPOSE: This rule is to serve as a reminder of the requirement for all federally-insured credit unions regarding the areas noted in the title of this rule.



(1) As a result of being federally insured, all Missouri state-chartered credit unions are required to follow the requirements in Part 748 of the National Credit Union Administration's Rules and Regulations which cover a credit union's security program, report of crimes and catastrophic acts and Bank Secrecy Act compliance.

(2) Part 741 of the National Credit Union Administration's Rules and Regulations details the federal rules and regulations that also apply to all state-chartered, federally-insured credit unions.

AUTHORITY: section 370.362, RSMo 2000.
Original rule filed April 29, 2008, effective
Nov. 30, 2008.*

**Original authority: 370.362, RSMo 1991.*