

and enforceable pending the completion of the administrative proceedings pursuant to the notice and until the time the commissioner dismisses the charges specified in the notice, or if a cease and desist order is issued against the institution or a director, officer, employee, agent or other person, until the effective date of the order.

(2) Within ten days after the institution concerned or a director, officer, employee, agent, or other person participating in the conduct of the affairs of the institution has been served with a temporary cease and desist order, the institution or a director, officer, employee, agent, or other person may apply to the appropriate district court for an injunction setting aside, limiting, or suspending the enforcement, operation, or effectiveness of the order pending the completion of the administrative proceedings pursuant to the notice of charges served upon the institution or a director, officer, employee, agent, or other person under subdivision 1, and the court has jurisdiction to issue an injunction.

Sec. 3. Minnesota Statutes 1978, Chapter 47, is amended by adding a section to read:

**[47.202] COMMISSIONER'S REPORT ON FEDERAL PREEMPTION.** The commissioner shall, in his next annual report to the legislature, as required by section 47.20, subdivision 12; include an analysis of the effect of the provisions of P. L. 96-211, Title V, Part A on real estate lending in Minnesota.

Sec. 4. Minnesota Statutes 1978, Chapter 47, is amended by adding a section to read:

**[47.203] FEDERAL PREEMPTION OVERRIDE.** The provisions of P. L. 96-211, Title V, Part A, Section 501 (a)(1), do not apply with respect to a loan, mortgage, credit sale or advance made in this state after the effective date of this section, nor with respect to a loan, mortgage, credit sale or advance secured by real property located in this state and made after the effective date of this section.

Sec. 5. **EFFECTIVE DATE.** Section 4 is effective December 31, 1981.

Approved April 23, 1980

## CHAPTER 605—H.F.No. 2302

*An act relating to financial institutions; requiring all checks and drafts drawn on certain accounts to clearly display the month and year the account was opened; specifying exclusions; providing a penalty.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. **[48.511] CHECKING ACCOUNTS; DISCLOSURE.** All checks, drafts or similar negotiable or non-negotiable instruments or orders of withdrawal which are drawn against funds held by a financial institution in a consumer

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deposit account opened after July 1, 1980, shall, for a period of not less than 12 months, clearly display on the face thereof the month and year in which the account was opened. This section does not apply to temporary checks, drafts, or similar negotiable or non-negotiable instruments or orders of withdrawal, or to a consumer deposit account where the applicant either demonstrates through the production of monthly statements or represents in a writing which states it is made under penalties of perjury that, for 12 months immediately preceding his application, he has had an account at the same or another financial institution. A written representation made to avoid this section is subject to section 609.48.

For purposes of this section the term "consumer deposit account" means a demand or other similar deposit account established and maintained by a natural person with a financial institution and operated primarily for personal, family or household purposes.

For purposes of this section the term "financial institution" means any bank subject to chapter 48, savings bank subject to chapter 50, savings and loan association subject to chapter 51A, credit union subject to chapter 52, and any federally chartered commercial bank, savings and loan association and credit union, organized and operated in this state pursuant to the laws of the United States.

No liability shall be imposed on any financial institution or printer for an unintentional failure to comply with this section.

Approved April 23, 1980

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#### CHAPTER 606—H.F.No. 2429

*An act relating to financial institutions; granting certain lending powers to savings associations and savings and loan associations; providing for interest rates on certain installment loans; changing the penalty for usurious loans made by banks, savings banks, savings associations, credit unions and certain other lenders; amending Laws 1980, Chapter 522, Section 1; Minnesota Statutes 1978, Sections 334.02; 334.03; and Chapter 48, by adding a section.*

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MINNESOTA:

Section 1. Laws 1980, Chapter 522, Section 1, is amended to read:

**48.153 INSTALLMENT LOANS; FINANCE CHARGES; MINIMUM CHARGES.** Subdivision 1. A bank organized under the laws of this state, or a national banking association doing business in this state making a loan of money not exceeding \$35,000 repayable in installments, may charge upon the unpaid principal balance of the financed amount a rate of interest not in excess of 12 percent a year. A loan made prior to June 30, 1982, at a greater rate than permitted by this subdivision may continue to bear the greater rate of interest if that greater rate was lawful when the loan was made.

Changes or additions indicated by underline deletions by ~~strikeout~~