

CHAPTER 55

BANKING DIVISION; SAFE DEPOSIT COMPANIES

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55.01 DEFINITIONS. Subdivision 1. **Words, terms, and phrases.** Unless the language or context clearly indicates that a different meaning is intended, the following words, terms, and phrases shall, for the purposes of this chapter, be given the meanings subjoined to them.

Subdivision 2. **Safe deposit box or safe deposit boxes.** The words "safe deposit box" or "safe deposit boxes" mean any box, boxes, safe, safes, safe deposit box, safe deposit boxes, receptacle, receptacles, or any part or parts thereof, contained in burglar-protected vault with steel walls at least one-half inch thick, or a masonry vault lined throughout with steel at least one-half inch thick, or a masonry vault with steel rails or rods embedded in walls at least 12 inches thick, or a vault of non-reinforced concrete or stone at least 18 inches thick, and each vault shall have one or more steel doors, no door being less than one inch thick, and aggregating at least two and one-half inches in thickness, exclusive of bolt work and locking device, which may be used for the safe-keeping and storage of valuable personal property.

Subdivision 2. **Valuable personal property.** The words "valuable personal property" mean jewelry, plate, money, specie, bullion, stocks, bonds, valuable papers, or other personal property of value.

[1933 c. 340 s. 1] (7747-1)

55.02 POWERS OF CORPORATION. Any corporation having an authorized and paid-up capital of not less than \$50,000 and owning or leasing a vault, as described in section 55.01, shall have power:

(1) To let out or rent as lessor, for hire, safe deposit boxes in such vault, upon such terms and for such compensation as may be agreed upon by such corporation and the lessee; and

(2) To take and receive valuable personal property for safe-keeping and storage, as bailee, for hire, upon such terms and for such compensation as may be agreed upon by such corporation and the bailor; no such corporation shall make any loans or advances upon any valuable personal property so left with it for safe-keeping and storage.

[1933 c. 340 s. 2] (7747-2)

55.03 LICENSE REQUIRED. No such corporation shall engage in such occupation or business unless licensed so to do.

[1933 c. 340 s. 3] (7747-3)

55.04 COMMISSIONER TO LICENSE. The commissioner of banks may license any such corporation to engage in the occupation or business set forth in section 55.02, which license shall designate the place or places of business of the corporation, which place or places of business shall be located upon the premises in which the safe deposit boxes are located. It shall be unlawful for any corporation holding such license to engage in this occupation or business upon any premises or in any building other than those designated in the licenses.

[1933 c. 340 s. 4] (7747-4)

55.05 CORPORATION TO GIVE BONDS. Before any such license shall be issued to a corporation, it shall execute and file with the state treasurer a bond to the State of Minnesota in the penal sum of \$20,000, in such form and with such surety or sureties as shall be approved by the commissioner of banks, to secure the faithful performance of its contracts of rental or deposit, and this bond shall enure to the benefit of any one who shall be in any manner damaged by a breach of such contract.

No such corporation shall lease any safe deposit box or receive any valuable personal property for safe-keeping or for storage until the bond herein provided for shall be on file and in full force.

[1933 c. 340 s. 5] (7747-5)

55.06 CONDUCTING BUSINESS WITHOUT LICENSE FORBIDDEN. Whoever engages in such occupation or business without procuring a license and giving a bond, as required by this chapter, except as otherwise authorized by law so to do, shall be punished by a fine of not more than \$1,000, and may be enjoined by any court having jurisdiction from engaging in such occupation or business, in an equitable action brought by the attorney general at the relation of any person.

[1933 c. 340 s. 6] (7747-6)

55.07 BOOKS TO BE KEPT. Such licensed corporation shall keep books in which shall be entered an account of all its transactions relative to the letting, renting, or leasing of its safe deposit boxes, and to the receipt of valuable personal property for safe-keeping or storage.

[1933 c. 340 s. 7] (7747-7)

55.08 LICENSE POSTED. Immediately upon the receipt of the license issued by the commissioner of banks, pursuant to the provisions of this chapter, the licensee named therein shall cause the license to be posted and conspicuously displayed in the place of business for which it is issued, so that all persons visiting the place of business may readily see the same. It shall be unlawful for any corporation holding a license to post the license, or permit the license to be posted, upon premises other than those designated therein, or knowingly deface or destroy any such license.

[1933 c. 340 s. 8] (7747-8)

55.09 NOTICE OF LICENSE AND QUALIFICATION PUBLISHED. Before such corporation shall engage in such occupation or business, it shall give notice of its license and qualification, and of the amount of the bond given by it, by publishing the same forthwith, once each week for two consecutive weeks, in a legal newspaper published in the county or counties where the place or places of business are located.

[1933 c. 340 s. 9] (7747-9)

55.10 LIABILITY; EXEMPTIONS. When a safe deposit box shall have been hired from any licensed corporation in the name of two or more persons, including husband and wife, with the right of access being given to either, or with access to either or the survivor or survivors of the person, or property is held for safe-keeping by any licensed corporation for two or more persons, including husband and wife, with the right of delivery being given to either, or with the right of delivery to either of the survivor or survivors of these persons, any one or more of these persons, whether the other or others be living or not, shall have the right of access to the safe deposit box and the right to remove all, or any part, of the contents thereof, or to have delivered to him or them all, or any part, of the valuable personal property so held for safe-keeping; and, in case of this access, removal, or delivery, the corporation shall be exempt from any liability for permitting the access, removal, or delivery.

[1933 c. 340 s. 10] (7747-10)

55.11 CORPORATION NOT CHARGED WITH NOTICE OF FIDUCIARY RELATION. No such corporation shall be obliged to ascertain or take notice of any trust or fiduciary relationship which the tenant of a safe deposit box may bear to the contents thereof, but shall be presumed to deal with the tenant of a box in an individual and not in a representative capacity, and shall be protected if it grants access to a box to the lessee thereof, according to the terms of his contract of rental.

[1933 c. 340 s. 11] (7747-11)

55.12 LIABILITY MAY BE LIMITED. Any licensed corporation may, in any lease or contract governing or regulating the use of any safe deposit box to or by any customer or customers, limit its liability as such lessor or bailee in the following respects:

(1) Limit its total liability for any loss by negligence to such maximum amount as may be stipulated; and

(2) Stipulate that it shall in no event be liable for loss of such valuable property as may be excepted against in such lease or contract.

[1933 c. 340 s. 12] (7747-12)

55.13 LIEN; REMEDIES. Every licensed corporation shall be entitled to the following special remedies in enforcing the liability of depositors and tenants:

- (1) A warehouseman's lien on property deposited; and
- (2) A sale of the contents of any safe deposit box for the non-payment of rental.

[1933 c. 340 s. 13] (7747-13)

55.14 NOTICE OF RENT DUE, WHEN SENT; BOXES, WHEN OPENED; CONTENTS SOLD. If the amount due for the use or rental of any safe deposit box of any licensed corporation shall have remained unpaid for a period of six months, the corporation may, at any time after the expiration of that period, cause to be sent by registered mail, addressed to the renter or lessee of the safe deposit box, directed to the address standing on its books, a written notice that, if the amount due for the use or rental of the safe deposit box is not paid within 60 days after the date of the mailing of the notice, it will cause the safe deposit box to be opened in the presence of its president or vice-president or secretary or treasurer or assistant secretary or assistant treasurer or superintendent, and of a notary public not in its employ, and the contents thereof, if any, to be placed in a sealed package by the notary public, upon which he shall mark the name of the renter or lessee as given upon its books and the estimated value thereof, and that the package so sealed and marked will be placed in one of the general safe deposit boxes of the corporation; upon the expiration of 60 days from date of mailing the notice, as aforesaid, and in default of payment within said 60 days of the amount due for the use or rental of the safe deposit box, it may, in the presence of a notary public not in its employ and one of its officers heretofore named, cause the safe deposit box to be opened and the contents thereof, if any, to be removed and sealed by the notary public in a package, upon which he shall mark the name of the renter or lessee and also the estimated value of the contents of the safe deposit box and, in the presence of one of its officers heretofore named, the notary public shall place in one of its general safe deposit boxes this package; and the proceedings of the notary public shall be set out in a certificate by him under his official seal, which shall be delivered to the licensed corporation. The licensed corporation shall have a lien upon the contents of any such safe deposit box, which shall have been removed in the manner provided, for the amount due to it for the use or rental of the safe deposit box, up to the time of the removal of the contents, and for the costs and expenses, if any, incurred in the opening of the safe or box and its repair, or restoration for use; in case the lien of the licensed corporation, for rental and expenses, shall not be paid and discharged within six months from the date of the opening of the safe deposit box and the removal of the contents therefrom, then the licensed corporation may sell, or cause to be sold, at public auction, the contents of the safe deposit box, or so much thereof as is required to pay and discharge the lien and expenses of sale, having first caused to be sent by registered mail, addressed to the renter or lessee of the safe deposit box, directed to the address standing on its books, a written notice of the time and place of the sale, and also giving public notice of the time and place of the sale by advertisement in a legal newspaper published in the county in which the place of business of the licensed corporation is located, at least once a week for two successive weeks, and from the proceeds of the sale it may retain for its own use the amount of its lien and the expenses of the sale; the balance of the proceeds of the sale and the contents remaining unsold, if any, being held to be paid over and delivered to those having ownership of the contents of the safe deposit box so sold, as aforesaid.

[1933 c. 340 s. 14] (7747-14)

55.15 APPLICATION. This chapter shall not be held or construed as limiting, restricting, or in any way affecting the operation or management of safe deposit boxes or vaults, or a safe deposit business conducted by any savings bank, or bank of discount and deposit or trust company, but any savings bank, or bank of discount and deposit or trust company may come under the provisions of this chapter by complying with its requirements.

[1933 c. 340 s. 17] (7747-17)