

SECURITIES ACT INTERPRETIVE STATEMENT-04

RE: RCW 21.20.310(3), .310(4) - APPLICABILITY TO MUTUAL AND STOCK SAVINGS BANKS

Question presented:

Are the bank and savings and loan exemptions found in RCW 21.20.310(3) and .310(4) available for securities issued or guaranteed by mutual or stock savings banks?

Statute:

RCW 21.20.310(3) exempts from registration "any security issued by . . . or guaranteed by, any bank organized under the laws of the United States, or any bank or trust company organized under the laws of any state and authorized to do business in this state." **RCW 21.20.310(4)** provides a similar exemption for securities issued or guaranteed by federal or state savings and loans.

Discussion:

RCW 21.20.310 provides exemptions for banks [.310(3)], savings and loans [.310(4)], and credit unions [.310(6)]. No express exemption is provided, however, for mutual or stock savings banks. The Securities Administrator finds that the premise of the exemptions from registration for banks, savings and loans, and credit unions is that the issuing institution is under the close supervision of federal or state banking regulators. Therefore, to the extent that a mutual or stock savings bank is supervised as a bank, the securities it issues or guarantees may be exempted under RCW 21.20.310(3). Similarly, securities issued or guaranteed by an institution that is supervised by savings and loan regulators would be exempt under RCW 21.20.310(4).

Conclusion:

RCW 21.20.310(3) and .310(4) are available for the securities issued by mutual or stock savings banks to the extent that such entities are supervised as banks or savings and loans.

Adopted: January 1, 1991

Replaces: Statement of Policy 85-65
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