**Section 310.210 When Greater Capital Requirements May** **Be Necessary**

a) Greater capital requirements may be required by the Commissioner if the condition and operations or the proposed scope of operations of the proposed or existing State bank require additional capital to achieve or maintain a safe and sound condition.

b) If the Commissioner determines that the proposed or existing bank requires capital in addition to the minimum organizational capital requirements set forth in Section 310.200, the bank shall be informed by the Office of Banks and Real Estate and afforded the opportunity to amend the related application.

c) In determining if additional capital in excess of the minimum organizational capital requirements is necessary for a proposed or existing bank, the Commissioner shall consider the size and scope of the bank’s operations. The review of the proposed or existing bank’s scope of operations may consist of an assessment of the percentage of investment to be made in fixed assets, the proposed or existing bank’s projections for future growth, future earnings prospects, the amount of organizational expenses incurred by the proposed bank, access to readily available sources of additional capital, the capability of management, and any other factors deemed appropriate by the Commissioner. Instances when additional capital may be required include, but are not limited to, those situations where the business plan contemplates aggressive future growth or a higher risk activity such as transactional internet activity, or where the proposed bank incurs significant organizational expenses.