



WILLIAM J. SCOTT

ATTORNEY GENERAL
STATE OF ILLINOIS
500 SOUTH SECOND STREET
SPRINGFIELD

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FILE NO. S-1229

**FINANCIAL INSTITUTIONS:
Use of Lobby Space of
Pedestrian Banking Facilities**

Richard K. Lignoul
Commissioner of Banks and Trust Companies
Room 400 Reisch Building
4 West Old State Capitol Plaza
Springfield, Illinois 62701

Dear Mr. Lignoul:

I have your letter relating to the establishment of a pedestrian banking facility in a building containing a supermarket and a drug store. Because plans call for the facility to share lobby space with the supermarket and drug store, you ask the following questions:

- "1. Is it the intent of the statute [Ill. Rev. Stat. 1976 Supp., ch. 16 1/2, par. 105(15)(d)] to restrict the lobby space needed for such purposes exclusively for banking purposes?

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2. Should the lobby space so used by the bank be separated in some manner from the remainder of the common lobby?
3. Should a separate entrance be constructed to service such area alone?"

My answer to each of your questions is No.

Section 5 of the Illinois Banking Act (Ill. Rev. Stat. 1976 Supp., ch. 16 1/2, par. 105) provides in pertinent part as follows:

"A bank organized under this Act or subject thereto shall be a body corporate and politic and shall, without specific mention thereof in the charter, have all the powers conferred by this Act and the following additional general corporate powers:

* * *

(15) To establish and maintain not more than 2 facilities for the purpose of doing business with the operators of or passengers in motor vehicles or with pedestrian traffic provided such facilities comply with the following provisions:

* * *

(d) If the facility is for the purpose of doing business with the operators of or passengers in motor vehicles, it shall be established and maintained in or on an area of such size and with provisions for ingress and egress reasonably adequate to accommodate servicing of at least one motor vehicle at one time without relying on any public way, street or alley for such purpose, and the area necessary for that purpose shall

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not be used for any purpose other than the business of the maintaining bank permitted to be done at such facility by the terms hereof. However, this paragraph 15 does not prevent the maintaining bank from doing such business at such facility with persons who are not operators of or passengers in motor vehicles nor does this paragraph 15 require a bank which establishes and maintains a facility under this paragraph 15 for pedestrian traffic to make provision for ingress and egress of motor vehicles.

* * *

(Emphasis added.)

Your questions relate to the underscored portion of section 5(15)(d) which restricts the use of the area required to operate certain banking facilities.

In construing section 5(15)(d) it is necessary to determine what the phrase "for that purpose", as it is used in the underscored portion, means. In the absence of apparent contrary intention, referential or qualifying words refer solely to the last antecedent of those words, i.e., they refer to the last word or clause which can be made antecedent without impairing the meaning of the sentence. (2A J.G. Sutherland, Statutes and Statutory Construction, § 47.33 (4th ed. C. Sands 1972); People v. Thomas (1970), 45 Ill. 2d 68, 72.) The words "for that purpose" refer to the phrase

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"for the purpose of doing business with the operators of or passengers in motor vehicles". Therefore, the restriction contained in the underscored portion applies only to the area necessary for the ingress and egress of motor vehicles at a facility operated to serve the operators of or passengers in motor vehicles.

The General Assembly, in amending section 5 to permit a bank to establish facilities used exclusively by pedestrians, stated specifically that banks operating such facilities are not required to provide for ingress and egress of motor vehicles, but it established no restrictions regulating the use of the area surrounding a pedestrian banking facility. Therefore, it is my opinion that it is not necessary to restrict or separate the lobby space of a pedestrian banking facility which is located in the same building with other businesses, nor is it necessary that such a facility have a separate entrance.

Very truly yours,

A T T O R N E Y G E N E R A L