



CHAPTER 54D

N.C.G.S. § 54D-12.

Duties and liability of bank.

SOURCE General Statutes of North Carolina, as published by the General Assembly	LAST AMENDMENT IN THIS TEXT No amendment history on record	RETRIEVED 21 September 2026, 03:31 UTC	SOURCE FINGERPRINT af580cc52cca010426e146ad - 20e03c6eaa359211ab5dce25 - d9041fad9f622735
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- § 54D-12(a)

A bank does not have a fiduciary duty to any person with respect to a special deposit.
- § 54D-12(b)

When the bank holding a special deposit becomes obligated to pay a beneficiary, a debtor-creditor relationship arises between the bank and beneficiary.
- § 54D-12(c)

The bank holding a special deposit has a duty to a beneficiary to comply with the account agreement and this Chapter.
- § 54D-12(d)

If the bank holding a special deposit does not comply with the account agreement or this Chapter, the bank is liable to a depositor or beneficiary only for damages proximately caused by the noncompliance. Except as provided by other law of this State, the bank is not liable for consequential, special, or punitive damages.
- § 54D-12(e)

The bank holding a special deposit may rely on records presented in compliance with the account agreement to determine whether the bank is obligated to pay a beneficiary.
- § 54D-12(f)

If the account agreement requires payment on presentation of a record, the bank shall determine within a reasonable time whether the record is sufficient to require payment. If the agreement requires action by the bank on presentation of a record, the bank is not liable for relying in good faith on the genuineness of the record if the record appears on its face to be genuine.
- § 54D-12(g)

Unless the account agreement provides otherwise, the bank is not required to determine whether a permissible purpose stated in the agreement continues to exist. (2025-25, s. 158.)

END OF SECTION TEXT

APPARATUS FOLLOWS — DERIVED, NOT ENACTED

APPARATUS III

Citation

FULL SECTION

N.C. Gen. Stat. § 54D-12 (2026).

PINPOINT

N.C. Gen. Stat. § 54D-12(a) (2026).

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