

FILED

2002 MAR 18 P 5: 34

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002

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**ENROLLED**

## House Bill No. 4354

(By Delegates R. M. Thompson, H. White,  
Harrison and Faircloth)

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Passed March 8, 2002

In Effect Ninety Days from Passage

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**E N R O L L E D**

**H. B. 4354**

(BY DELEGATES R. M. THOMPSON, H. WHITE,  
HARRISON AND FAIRCLOTH)

[Passed March 8, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact section forty, article four, chapter thirty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to permissive closing of bank branches.

*Be it enacted by the Legislature of West Virginia:*

That section forty, article four, chapter thirty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 4. BANKING INSTITUTIONS AND SERVICES GENERALLY.**

**§31A-4-40. Permissive closing on fixed weekday or portions of weekdays; notice of closings; emergency closings; procedures.**

- 1 (a) In addition to Sundays and legal holidays any banking
- 2 institution may remain closed on any one fixed weekday or
- 3 portion of a day in each calendar week, or on any one fixed

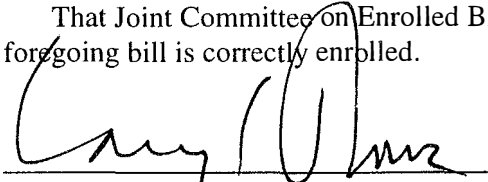
4 weekday and a portion of another weekday in each calendar  
5 week, or on portions of two weekdays in each calendar week,  
6 which day and/or portion or portions of the day or days when  
7 the institution is to remain closed shall be designated by a  
8 resolution adopted by the board of directors thereof. Prior to  
9 any such closing, the banking institution shall post a notice in  
10 a conspicuous place in its banking room stating that beginning  
11 on a day certain the banking institution will remain closed on a  
12 fixed weekday and/or portions thereof. Concurrently with the  
13 posting of the notice of closure, the banking institution shall  
14 cause a notice to be published as a Class II legal advertisement  
15 in compliance with the provisions of article three, chapter fifty-  
16 nine of this code, and the publication area for the publication  
17 shall be the county in which the principal office of the bank is  
18 located. The notice shall set forth the time or times on which  
19 the bank will remain closed and the date when the closing  
20 becomes effective. A certified copy of the resolution certified  
21 by the cashier or secretary of the banking institution, together  
22 with an affidavit of posting and proof of publication of the  
23 notice herein required, shall be filed with the commissioner of  
24 banking. Any banking institution may elect to operate branches  
25 that are open for business on the days and for the hours as  
26 determined appropriate by that banking institution.

27 (b) Any banking institution may close, without notice,  
28 during any period of actual or threatened enemy attack affecting  
29 the community in which the banking institution is located or  
30 during any period of other emergency including, but not limited  
31 to, fire, flood, hurricane, riot, snow or civil commotion:  
32 *Provided,* That the commissioner shall be notified of any  
33 closing made pursuant to this subsection as soon as practical  
34 thereafter.

35 (c) Any fixed weekday and/or portion of one or more  
36 weekdays on which any banking institution shall elect to close  
37 and any period during which the commissioner may permit it to

38 close pursuant to the authority of this section shall constitute a  
39 legal holiday with respect to the banking institution and not a  
40 business day or banking day for the purposes of the law relating  
41 to negotiable instruments, and any act or contract authorized,  
42 required or permitted to be carried out or performed at, by or  
43 with respect to the banking institution may be performed on the  
44 next business or banking day, and no liability or loss of rights  
45 on the part of any person or banking institution shall result  
46 therefrom.

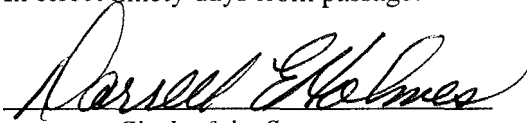
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

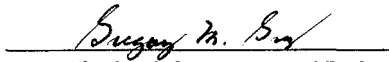
  
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Chairman Senate Committee

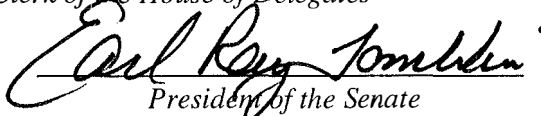
  
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Chairman House Committee

Originating in the House.

In effect ninety days from passage.

  
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Clerk of the Senate

  
\_\_\_\_\_  
Clerk of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

  
\_\_\_\_\_  
Speaker of the House of Delegates

The within is approved this the 18<sup>th</sup>  
day of June 2002.

  
\_\_\_\_\_  
Governor

DATE RECEIVED

CUSTOMER

DATE

3/12/02

TIME

3:35pm