

# WEST VIRGINIA CODE: §31A-8D-2

## §31A-8D-2. Definitions.

As used in this article, unless a different meaning is required by the context, the following words and phrases shall have the following meanings:

- (a) "Bank" has the meaning set forth in 12 U.S.C. §1813(h): Provided, That the term "bank" shall not include any "foreign bank" as defined in 12 U.S.C. §3101(7), except that such term shall include any foreign bank organized under the laws of a territory of the United States, Puerto Rico, Guam, American Samoa or the Virgin Islands, the deposits of which are insured by the federal deposit insurance corporation.
- (b) "Bank holding company" has the meaning set forth in 12 U.S.C. §1841(a)(1).
- (c) "Bank supervisory agency" means:
  - (1) Any agency of another state with primary responsibility for chartering and supervising banks; and
  - (2) The office of the comptroller of the currency, the federal deposit insurance corporation, the board of Governors of the federal reserve system and any successor to these agencies.
- (d) "Board of Banking and Financial Institutions" means the board created pursuant to the provisions of article three of this chapter and referred to herein as "board".
- (e) "Branch" or "branch bank" has the meaning set forth in subsection (f), section two, article one of this chapter.
- (f) "Commissioner" means the West Virginia commissioner of banking then in office and, where appropriate, all of his or her successors and predecessors in office.
- (g) "Control" shall be construed consistently with the provisions of 12 U.S.C. §1841(a)(2).
- (h) "Home state" means:
  - (1) With respect to a state bank, the state by which the bank is chartered;
  - (2) With respect to a national bank, the state in which the main office of the bank is located;
  - (3) With respect to a foreign bank, the state determined to be the home state of such foreign bank under 12 U.S.C. §3103(c).
- (i) "Home state regulator" means, with respect to an out-of-state state bank, the bank supervisory agency of the state in which such bank is chartered.

- (j) "Host state" means a state, other than the home state of a bank, in which the bank maintains, or seeks to establish and maintain, a branch.
- (k) "Insured depository institution" has the meaning set forth in 12 U.S.C. §§1813(c)(2) and (3).
- (l) "Interstate merger transaction" means:
- (1) The merger or consolidation of banks with different home states, and the conversion of branches of any bank involved in the merger or consolidation into branches of the resulting bank; or
  - (2) The purchase of all or substantially all of the assets (including all or substantially all of the branches) of a bank whose home state is different from the home state of the acquiring bank.
- (m) "Out-of-state bank" means a bank whose home state is a state other than West Virginia.
- (n) "Out-of-state state bank" means a bank chartered under the laws of any state other than West Virginia.
- (o) "Resulting bank" means a bank that has resulted from an interstate merger transaction under this article.
- (p) "State" means any state of the United States, the District of Columbia, any territory of the United States, Puerto Rico, Guam, the Virgin Islands and American Samoa.
- (q) "West Virginia bank" means a bank whose home state is West Virginia.
- (r) "West Virginia state bank" means a bank chartered under the laws of West Virginia.