

WEST VIRGINIA CODE: §46-8-103

§46-8-103. Rules for determining whether certain obligations and interests are securities or financial assets.

- (a) A share or similar equity interest issued by a corporation, business trust, joint stock company or similar entity is a security.
- (b) An "investment company security" is a security. "Investment company security" means a share or similar equity interest issued by an entity that is registered as an investment company under the federal investment company laws, an interest in a unit investment trust that is so registered or a face-amount certificate issued by a face-amount certificate company that is so registered. Investment company security does not include an insurance policy or endowment policy or annuity contract issued by an insurance company.
- (c) An interest in a partnership or limited liability company is not a security unless it is dealt in or traded on securities exchanges or in securities markets, its terms expressly provide that it is a security governed by this article or it is an investment company security. However, an interest in a partnership or limited liability company is a financial asset if it is held in a securities account.
- (d) A writing that is a security certificate is governed by this article and not by article three of this chapter, even though it also meets the requirements of that article. However, a negotiable instrument governed by article three is a financial asset if it is held in a securities account.
- (e) An option or similar obligation issued by a clearing corporation to its participants is not a security, but is a financial asset.
- (f) A commodity contract, as defined in section 9-102(a)(15), is not a security or a financial asset.
- (g) A document of title is not a financial asset unless section 8-102(a)(9)(iii) applies.