

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



# ENROLLED

HOUSE BILL No. 160

(By Mr. Wilkinson)



PASSED February 28 1949

In Effect From Passage



**ENROLLED**  
**House Bill No. 160**  
(By MR. WILKISON)

[Passed February 28, 1949; in effect from passage.]

AN ACT to amend article eight, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section to be designated section eight-a, relating to photographing, photostating, microphotographing or reproducing on films, checks, documents, papers or other instruments or writings by banking institutions; permitting the introduction of such copies or reproductions as evidence before courts and administrative agencies and authorizing the destruction or other disposition of original checks, documents, papers and other records of banking institutions.

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

That article eight, chapter thirty-one of the code of West Virginia, one thousand nine hundred thirty-one, as amended,

be amended, by adding thereto a new section to be designated section eight-a, to read as follows:

Section 8-a. *Photographing and Microphotographing*

2 *Bank Checks and Records; Destruction of Records.*---

3 Any banking institution transacting business in this state  
4 may cause to be copied or reproduced by any photogra-  
5 phic, photostatic, microphotographic or other miniature  
6 photographic process, all or any number of its checks, and  
7 all or any part of its documents, books, records, corre-  
8 spondence and all other instruments, papers and writings,  
9 in any manner relating to the operation of its business,  
10 other than its notes, bonds, mortgages and other securities  
11 and investments, and may substitute such copies or repro-  
12 ductions either in positive or negative form for the orig-  
13 inal thereof. Thereafter, such copy or reproduction, in the  
14 form of a positive print thereof, shall be deemed for all  
15 purposes to be an original counterpart of and shall have  
16 the same force and effect as the original thereof and shall  
17 be admissible in evidence in all courts and administrative  
18 agencies in this state, to the same extent, and for the same  
19 purposes as the original thereof, and the banking institu-

20 tion may destroy or otherwise dispose of the original: *Pro-*  
21 *vided, however,* That no banking institution shall destroy  
22 or otherwise dispose of its records of final entry, including  
23 cards used under the card system and deposit tickets for  
24 deposits made, for a period of at least six years from  
25 the date of the last entry on such books or the date of  
26 making of such deposit tickets and card records, or, in  
27 the case of a banking institution exercising trust or fidu-  
28 ciary powers, until the expiration of six years from the  
29 date of termination of any trust or fiduciary relationship  
30 by the allowance of a final accounting, release, court de-  
31 cree or other proper means of termination.

32 All circumstances surrounding the making or issuance  
33 of such checks, documents, records, instruments or writ-  
34 ings, or the photographic, photostatic or microphotogra-  
35 phic reproduction thereof, when the same are offered in  
36 evidence, may be shown to affect the weight, but not  
37 the admissibility thereof.

38 Any device used to copy or reproduce such documents  
39 and records shall be one which correctly and accurately  
40 reproduces the original thereof in all details and film  
41 used therein shall be of durable material.

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

*Joseph L. Mcner*

Chairman Senate Committee

*Boatman*

Chairman House Committee

Originated in the House of Delegates

Takes effect

*From*

passage.

*Howard Kieper*

Clerk of the Senate

*Patlip*  
Clerk of the House of Delegates

*Franklin D. Hunter*

President of the Senate

*W. E. Hunter*

Speaker House of Delegates

The within

*approved*

this the

*5th*

day of

*MARCH*

, 1949.

*Okey L. Patterson*  
Governor.

Filed in the Office of the Secretary of State  
of West Virginia **MAR 8 1949**

**D. PITT O'BRIEN,**  
SECRETARY OF STATE