

No. 696

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1985



ENROLLED

SENATE BILL NO. 696

(By Mr. Jacobs & Mr. Palumbo)



PASSED April 4, 1985

In Effect from Passage



ENROLLED

Senate Bill No. 696

(BY MR. TUCKER AND MR. PALUMBO)

(Originating in the Committee on Banking and Insurance.)

[Passed April 4, 1985; in effect from passage.]

AN ACT to amend and reenact section twelve-b, article eight, chapter thirty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the installation and operation of customer bank communication terminals permitted; limitation removed for employee assistance of customers using off-premises terminals.

Be it enacted by the Legislature of West Virginia:

That section twelve-b, article eight, 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 8. HEARINGS; ADMINISTRATIVE PROCEDURES; JUDICIAL REVIEW; UNLAWFUL ACTS; PENALTIES.

§31A-8-12b. Installation and operation of customer bank communication terminals permitted.

- 1 (a) Any banking institution as defined in section two,
- 2 article one of this chapter, individually or jointly with one
- 3 or more other banking institutions or other federally
- 4 insured financial institutions having their principal offices
- 5 in this state, or any combination thereof, may upon thirty

6 days prior written notice filed with the commissioner,
7 install, operate and engage in banking business by means of
8 one or more customer bank communication terminals. Any
9 banking institution which installs and operates a customer
10 bank communication terminal:

11 (1) Shall make such customer bank communication
12 terminal available for use by other banking institutions;
13 and

14 (2) May make such customer bank communication
15 terminal available for use by other federally insured
16 financial institutions, all in accordance with regulations
17 promulgated by the commissioner. Such customer bank
18 communication terminals shall not be considered to be
19 branch banks or branch offices, agencies or places of
20 business or off-premises walk-in or drive-in banking
21 facilities; nor shall the operation of such customer bank
22 communication terminals to communicate with and permit
23 financial transactions to be carried out through a
24 nonexclusive access interchange system be considered to
25 make any banking institution which is part of such a
26 nonexclusive access interchange system to have illegal
27 branch banks or branch offices, agencies or places of
28 business or off-premises walk-in or drive-in banking
29 facilities.

30 (b) Notwithstanding the provisions of subdivision (1),
31 subsection (a) of this section, a customer bank
32 communication terminal located on the premises of the
33 principal office or branch bank of a banking institution or
34 on the premises of an authorized off-premises facility need
35 not be made available for use by any other banking
36 institution or its customers.

37 (c) For the purposes of this section, "customer bank
38 communication terminal" means any electronic device or
39 machine, together with all associated equipment,
40 structures and systems, including without limitation point
41 of sale terminals, through or by means of which a customer
42 and a banking institution may engage in any banking
43 transactions, whether transmitted to the banking
44 institution instantaneously or otherwise, including,
45 without limitation, the receipt of deposits of every kind, the
46 receipt and dispensing of cash, requests to withdraw money
47 from an account or pursuant to a previously authorized line

48 of credit, receiving payments payable at the bank or
49 otherwise transmitting instructions to receive, transfer or
50 pay funds for a customer's benefit. All transactions
51 initiated through a customer bank communication terminal
52 shall be subject to verification by the banking institution.

53 (d) For the purposes of this section, "point of sale
54 terminal" means a customer bank communication terminal
55 used for the primary purpose of either transferring funds to
56 or from one or more deposit accounts in a banking
57 institution or segregating funds in one or more deposit
58 accounts in a banking institution for future transfer, or
59 both, in order to execute transactions between a person and
60 his customers incident to sales, including, without
61 limitation, devices and machines which may be used to
62 implement and facilitate check guaranty and check
63 authorization programs.

64 (e) Except for customer bank communication terminals
65 located on the premises of the principal office or a branch
66 bank of the banking institution or on the premises of an
67 authorized off-premises walk-in or drive-in banking
68 facility, a customer bank communication terminal shall be
69 unattended or attended by persons not employed by any
70 banking institution utilizing the terminal: *Provided*, That

71 (1) Employees of the banking institution may be present
72 at such terminal not located on the premises of an
73 authorized off-premises facility solely for the purposes of
74 installing, maintaining, repairing and servicing same; and

75 (2) A banking institution may provide an employee to
76 instruct and assist customers in the operation thereof:
77 *Provided*, That such employee shall not engage in any other
78 banking activity.

79 (f) The commissioner shall prescribe by regulation the
80 procedures and standards regarding the installation and
81 operation of customer bank communication terminals,
82 including, without limitation, the procedure for the sharing
83 thereof.

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

[Handwritten Signature]
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Chairman Senate Committee

[Handwritten Signature]
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Chairman House Committee

Originated in the Senate.

In effect from passage.

[Handwritten Signature]
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Clerk of the Senate

[Handwritten Signature]
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Clerk of the House of Delegates

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President of the Senate

[Handwritten Signature]
.....
Speaker House of Delegates

The within... *[Handwritten Signature]* ... this the *[Handwritten]* *[Handwritten]* *[Handwritten]*
day of *[Handwritten]* 1985.

[Handwritten Signature]
.....
Governor

PRESENTED TO THE
GOVERNOR

Date 4/9/85

Time 4:17 p.m.

RECEIVED

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE