WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 1993

ENROLLED
Com. Sub. for
HOUSE BILL No. 2250

(By Delegates Williams, Cayton, Phillips, ..........)
H. White, Rutledge and Harrison

Passed .................................. April 7, 1993

In Effect .................................. ninetysixty days from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 2250

(BY DELEGATES WILLIAMS, CARPER, PHILLIPS, H. WHITE, RUTLEDGE AND HARRISON)

[Passed April 7, 1993; in effect ninety days from passage.]

AN ACT to amend and reenact section thirty-three, article four, chapter thirty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to joint deposit accounts; payment, pledge or garnishment of joint accounts; notice requirements; limitation on liability of banking institutions; and rules to be promulgated by the commissioner.

Be it enacted by the Legislature of West Virginia:

That section thirty-three, 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:

§31A-4-33. Deposits in trust; deposits in more than one name; limitation on liability of institutions making payments from certain accounts; notice requirements; pledges or garnishment of joint accounts; commissioner to promulgate rules.

(a) If any deposit in any banking institution be made by any person describing himself in making such deposit as trustee for another, and no other or further notice of the existence and terms of a legal and valid
trust than such description shall be given in writing to
the banking institution, in the event of the death of the
person so described as trustee, such deposit, or any part
thereof, together with the interest thereon, may be paid
to the person for whom the deposit was thus stated to
have been made.

(b) When a deposit is made by any person in the name
of such depositor and another or others and in form to
be paid to any one of such depositors, or the survivor
or survivors of them, such deposit, and any additions
thereto, made by any of such persons, upon the making
thereof, shall become the property of such persons as
joint tenants. All such deposits, together with all interest
thereon, shall be held for the exclusive use of the persons
so named, and may be paid to any one of them during
the lifetime of them, or to the survivor or survivors after
the death of any of them.

(c) Payment to any joint depositor and the receipt or
the acquittance of the one to whom such payment is
made shall be a valid and sufficient release and
discharge for all payments made on account of such
deposit, prior to the receipt by the banking institution
of notice in writing, signed by any one of such joint
tenants not to pay such deposit in accordance with the
terms thereof. Prior to the receipt of such notice no
banking institution shall be liable for the payment of
such sums.

(d) All owners of joint deposit accounts created
pursuant to this section shall be given written notice on
a form to be approved by the banking commissioner that
the entire balance of any such account may be paid to
a creditor or other claimant of any one of the joint
tenants pursuant to legal process, including, but not
limited to, garnishment, suggestion, or execution,
regardless of the receipt of any notice from any of the
joint tenants. Such notice shall also advise the owners
of a joint deposit account that the entire balance of any
such account may be paid to any of the named joint
tenants at any time; pledged as security to a banking
institution by any of the named joint tenants; or
otherwise encumbered at the request of any of the
named joint tenants unless written notice is given to the
banking institution, signed by any one of the joint
tenants, not to permit such payment, pledge or
encumbrance.

(e) If a pledge or encumbrance of any joint account
created pursuant to this section is made to a banking
institution and the banking institution has not received,
prior to the date of the pledge, any written notice signed
by any one of the joint tenants prohibiting such a pledge
or encumbrance, the banking institution shall not be
liable to any one of the joint tenants for its recourse
against the deposit in accordance with the terms of the
pledge.

(f) A banking institution may pay the entire amount
of a deposit account created pursuant to this section to
a creditor or other claimant of any one of the joint
tenants in response to legal process employed by the
creditor including, but not limited to, garnishment,
suggestion, or execution, regardless of any notice
received from any of the joint tenants. Upon such
payment, the banking institution shall be released and
discharged from all payments on account of such
deposit previous to such payment by a banking institu-
tion to any such creditor shall be without prejudice to
any right or claim of any joint tenant against the
creditor or any other person to recover his interest in
the deposit.

(g) The commissioner shall promulgate rules in
accordance with the provisions of chapter twenty-nine-
a of this code regarding the approval of forms and
procedures required by this section.
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The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Ernest C. Moore
Chairman House Committee

Originating in the House:

Takes effect ninety days from passage.

Clerk of the Senate

The within is approved this the 19th day of April, 1993.

Governor