WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

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ENROLLED

HOUSE BILL No. 166

(By Delegates Phillips, S. Williams, Leach, Kessel, Frederick, Flanagan and Spencer)

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Passed March 12, 1994

In Effect 90 Days from Passage
AN ACT to amend and reenact section thirty-five, article four, chapter thirty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to allowing banks to store records of checks and other documents by use of nonerasable optical image disks or by other records retention methods approved by the commissioner of banking.

Be it enacted by the Legislature of West Virginia:

That section thirty-five, 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:

ARTICLE 4. BANKING INSTITUTIONS AND SERVICES GENERALLY.

§31A-4-35. Reproduction of checks and other records; admissibility of copies in evidence; disposition of originals.

Any banking institution may cause to be copied or reproduced, by any photographic, photostatic, microphotographic or by similar miniature photographic process or by nonerasable optical image disks (commonly referred to as compact disks) or by other records retention technology approved by rule of the commissioner of banking, all or any number of its checks, and all or any part of its documents, books, records, correspondence and all other instruments, papers and
writings, in any manner relating to the operation of its
business, other than its notes, bonds, mortgages and
other securities and investments, and may substitute
such copies or reproductions either in positive or
negative form for the originals thereof. Thereafter, such
copy or reproduction in the form of a positive print
thereof, shall be deemed for all purposes to be an
original counterpart of and shall have the same force
and effect as the original thereof and shall be admissible
in evidence in all courts and administrative agencies in
this state, to the same extent, and for the same purposes
as the original thereof, and the banking institution may
destroy or otherwise dispose of the original. But every
banking institution shall retain either the originals or
such copies or reproductions of its records of final entry,
including, without limiting the generality of the
foregoing, cards used under the card system and deposit
tickets for deposits made, for a period of at least six
years from the date of the last entry on such books or
the date of making of such deposit tickets and card
records, or, in the case of a banking institution exercis-
ing trust or fiduciary powers, until the expiration of six
years from the date of termination of any trust or
fiduciary relationship by a final accounting, release,
court decree or other proper means of termination.

All circumstances surrounding the making or issu-
ance of such checks, documents, books, records, corre-
respondence and other instruments, papers or writings, or
the photographic, photostatic or microphotographic
copies or optical disks or other permissible reproduc-
tions thereof, when the same are offered in evidence,
may be shown to affect the weight but not the admis-
sibility thereof.

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

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the 29th day of March, 1994.

Governor
PRESENTED TO THE
GOVERNOR.
Date 3/25/44
Time 10:21 a.m.