WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1998

ENROLLED

House Bill No. 4039
(By Delegates Thompson, Kominar, H. White, Jenkins, Amores, Clements and Cann)

Passed March 14, 1998
In Effect Ninety Days from Passage
AN ACT BILL to amend and reenact section twelve-a, article eight, chapter thirty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the establishment and use of mobile bank facilities.

Be it enacted by the Legislature of West Virginia:

That section twelve-a, 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-8-12a. Banking from mobile units; limitation of messenger services.

(a) It is illegal for any banking institution or other depository institution to conduct its business in a facility that is a mobile unit not permanently attached to the real estate upon which it is located, except: (i) That such mobile units may be used as temporary banking quarters.
pending construction of a permanent bank building on
the same or adjacent property thereto if a charter for said
bank has previously been approved; or except (ii) as
provided by subsection (b) of this section. This section
shall not be construed or interpreted to prohibit a financial
institution from providing messenger services to its
customers by which items are received by mail, armored
car service or other courier or delivery service for
subsequent deposit: Provided, That all such messenger
services are confined to the territorial boundaries of the
county in which an office of such financial institution is
located or within fifty miles of an office of such financial
institution.

(b) Upon the approval of the commissioner, a banking
institution may establish one or more mobile facilities to
accept or withdraw deposits, pay checks, issue cashier's
checks, traveler's checks and other instruments, as well as
perform other banking services. Each mobile facility shall
be affiliated with and operated by a bank or branch office
of a bank physically located and authorized to do business
in West Virginia. All mobile facilities permitted hereunder
are confined to the territorial boundaries of the county in
which an office of such financial institution is located or
within thirty miles of an office of such financial
institution. A mobile facility shall be viewed as an
extension of the qualified offices of the bank located in
West Virginia and the transactions shall be governed by
the laws applicable as if made at such offices. The term
“mobile facility” shall include a mobile customer bank
communications terminal which is intended to be moved
or driven from place to place. A mobile customer bank
communications terminal will be treated as an off-
premises unit subject to mandatory sharing laws and rules
notwithstanding any contrary provisions of this
subsection: Provided, That no mobile customer bank
communications terminal may serve as an automatic loan
machine (ALM) terminal on behalf of any other
institutions other than the operating bank: Provided,
however, That no mobile facility may be operated within
two thousand feet of another bank’s main office or
branch office.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Taking 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 approved this the 15th day of __________, 1998.

Governor