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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

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OFFICE OF THE CLERK
SENATE OF WEST VIRGINIA

ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 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.**

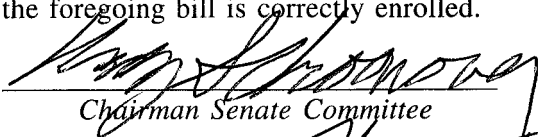
§31A-8-12a. Banking from mobile units; limitation of messenger services.

- 1 (a) It is illegal for any banking institution or other
- 2 depository institution to conduct its business in a facility
- 3 that is a mobile unit not permanently attached to the real
- 4 estate upon which it is located, except: (i) That such
- 5 mobile units may be used as temporary banking quarters

6 pending construction of a permanent bank building on
7 the same or adjacent property thereto if a charter for said
8 bank has previously been approved; or except (ii) as
9 provided by subsection (b) of this section. This section
10 shall not be construed or interpreted to prohibit a financial
11 institution from providing messenger services to its
12 customers by which items are received by mail, armored
13 car service or other courier or delivery service for
14 subsequent deposit: *Provided*, That all such messenger
15 services are confined to the territorial boundaries of the
16 county in which an office of such financial institution is
17 located or within fifty miles of an office of such financial
18 institution.

19 (b) Upon the approval of the commissioner, a banking
20 institution may establish one or more mobile facilities to
21 accept or withdraw deposits, pay checks, issue cashier's
22 checks, traveler's checks and other instruments, as well as
23 perform other banking services. Each mobile facility shall
24 be affiliated with and operated by a bank or branch office
25 of a bank physically located and authorized to do business
26 in West Virginia. All mobile facilities permitted hereunder
27 are confined to the territorial boundaries of the county in
28 which an office of such financial institution is located or
29 within thirty miles of an office of such financial
30 institution. A mobile facility shall be viewed as an
31 extension of the qualified offices of the bank located in
32 West Virginia and the transactions shall be governed by
33 the laws applicable as if made at such offices. The term
34 "mobile facility" shall include a mobile customer bank
35 communications terminal which is intended to be moved
36 or driven from place to place. A mobile customer bank
37 communications terminal will be treated as an off-
38 premises unit subject to mandatory sharing laws and rules
39 notwithstanding any contrary provisions of this
40 subsection: *Provided*, That no mobile customer bank
41 communications terminal may serve as an automatic loan
42 machine (ALM) terminal on behalf of any other
43 institution other than the operating bank: *Provided*,
44 *however*, That no mobile facility may be operated within
45 two thousand feet of another bank's main office or
46 branch office.

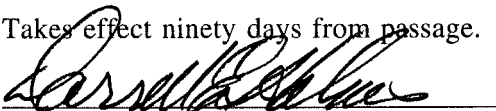
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

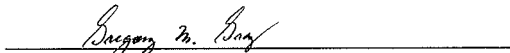

Chairman Senate Committee

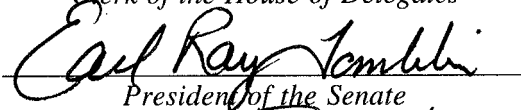

Chairman House Committee

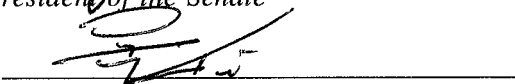
Originating in the House.

Takes effect ninety days from passage.

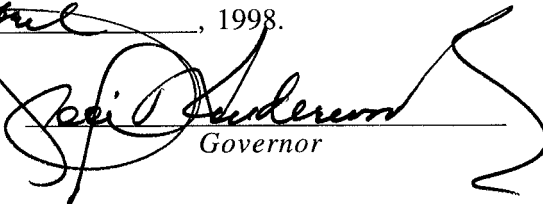

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 15
day of April, 1998.


Governor

PRESENTED TO THE

GOVERNOR

Date 3/26/98

Time 10:17am

