WEST VIRGINIA LEGISLATURE
Regular Session, 2004

ENROLLED

SENATE BILL NO. 506

(By Senators Minard and Jenkins)

PASSED March 10, 2004

In Effect ninety days from Passage
Senate Bill No. 506
(By Senators Minard and Jenkins)

[Passed March 10, 2004; in effect ninety days from passage.]

AN ACT to amend and reenact §31A-4-2 of the code of West Virginia, 1931, as amended, relating to the use of "bank" in its name by a licensed insurance company.

Be it enacted by the Legislature of West Virginia:

That §31A-4-2 of the code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 4. BANKING INSTITUTIONS AND SERVICES GENERALLY.
§31A-4-2. Use of terms; unlawfully engaging in banking business; penalties; enforcement.

1 (a) No person doing business in this state, except a banking institution, a person authorized by the commissioner under the terms of this section or an insurer licensed pursuant to article three, chapter thirty-three of this code under a name including the terms set forth herein as of the thirty-first day of December, two thousand three, may use
or advertise in connection with such business, or as a
designation or title thereof, the term "bank", "banker",
"banking", "banking company", "industrial bank",
"savings bank" or "trust company" and the insurance
commissioner shall notify the commissioner of each
insurer so licensed. No person doing business in this state
except a banking institution or a person authorized by the
commissioner under this article may engage in the banking
or trust business in this state. A nonbanking subsidiary of
a bank holding company or a nonbanking subsidiary of a
banking institution having a bank branch or bank main
office in this state that provides trust services pursuant to
section fourteen of this article may use the term "trust
company" in its title and advertising. A trust entity owned
jointly by federally insured depository institutions located
within this state and authorized by the commissioner to
operate in this state may use the term "trust company" in
its title and advertising.

(b) It is unlawful for any such person other than banking
institutions, as herein excepted, to advertise or hold
himself, itself or themselves, as the case may be, out to the
public in any manner indicating, directly, indirectly or by
implication, that any of them is engaged in the banking or
trust business or is authorized and approved to engage
therein in this state. A nonbanking subsidiary of a bank
holding company or nonbanking subsidiary of a banking
institution having a bank branch or bank main office in
this state that provides trust services pursuant to section
fourteen of this article may hold itself out to the public as
engaged in the trust business. A trust entity owned jointly
by federally insured depository institutions located within
this state and authorized by the commissioner to operate
in this state may hold itself out to the public as engaged in
the trust business.

(c) The commissioner may authorize a person to utilize
the term "bank" or "banc" in connection with nonprofit
organizations or medical businesses where the term would
have a common meaning separate and apart from a financial institution and would not result in confusion to the public (e.g., food bank; medical databank); and in connection with bank holding companies or their nonbanking affiliates where the term denotes the entities' common affiliation and would not result in confusion to the public.

(d) Any violation of the provisions of this section constitutes a misdemeanor offense, punishable as provided in section fifteen, article eight of this chapter.

(e) The commissioner of banking or any one or more banking institutions, acting individually or jointly, may petition the circuit court of the county in which any violation of the provisions of this section occur or are threatened to occur for injunction or other appropriate judicial remedies for enforcement of the provisions hereof and the prevention of further or continued violations thereof.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairsman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within was approved this the 23rd Day of March, 2004.

Governor