ENROLLED

House Bill No. 4792
(By Delegates Amores, H. White, Azinger and Moore)

Passed March 11, 2006
In Effect Ninety Days from Passage
ENROLLED

H. B. 4792

(By Delegates Amores, H. White, Azinger and Moore)

(Passed March 11, 2006; in effect ninety days from passage.)

AN ACT to amend and reenact the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §44-6-10, relating to authorizing the purchasing of certain services from a bank or trust company or an affiliate of a bank or trust company.

Be it enacted by the Legislature:

That of the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §44-6-10, to read as follows:

ARTICLE 6. INVESTMENTS BY FIDUCIARIES.

§44-6-10. Purchase of service or product through or directly from bank or trust company or affiliate.

1 (a) A bank or trust company acting in any fiduciary capacity, including, but not limited to, the capacities described in this article, may purchase any service or product, including, but not limited to, insurance or securities: underwritten or otherwise distributed by the bank, the trust company or by an
affiliate; through or directly from the bank, the trust company
or an affiliate; or from a syndicate or selling group that includes
the bank, the trust company or an affiliate: Provided, That the
purchase is otherwise prudent under article six-c of this chapter;
the compensation for the service or product is reasonable; and
the transaction is not prohibited by the instrument governing the
fiduciary relationship. The compensation charged for the
service or product may be in addition to the compensation that
the bank or trust company is otherwise entitled to receive from
the fiduciary account.

(b) A bank or trust company shall disclose at least annually
any purchase authorized by this section that was made by the
bank or trust company during that reporting period. The
disclosure shall be given, in writing or electronically, to all
persons entitled to receive statements of account activity. The
disclosure shall include a description of any capacities in which
the bank or trust company or an affiliate acts for the issuer of
the securities or the provider of the products or services and a
declaration of the fact that the bank or trust company or an
affiliate may have an interest in the products or services.

(c) This section applies to the purchase of securities made
at the time of the initial offering of the securities or at any time
thereafter.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chandy White
Chairman Senate Committee

[Signature]
Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Derrick Smith
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

[Signature]
Speaker of the House of Delegates

The within is approved this the 3rd day of April, 2006.

[Signature]
Governor
PRESENTED TO THE GOVERNOR

MAR 29 2006

Time 4:00 pm