

# **WEST VIRGINIA LEGISLATURE**

**2023 REGULAR SESSION**

**ENROLLED**

## **House Bill 3500**

BY DELEGATES WESTFALL, BARNHART, AND HOTT

[Passed March 10, 2023; in effect ninety days from passage.]



1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §46A-4-114, relating to permitting employees of regulated consumer lenders  
3 to conduct work at their residence if certain requirements are met.

*Be it enacted by the Legislature of West Virginia:*

**ARTICLE 4. REGULATED CONSUMER LENDERS.**

**§46A-4-114. Permitting licensee to conduct business at remote location.**

1 (a) Notwithstanding any provision of this article to the contrary, but subject to the  
2 requirements of this section, employees of a West Virginia licensee located in West Virginia may  
3 perform work for the licensee at their residence: *Provided*, That such a residence is located within  
4 100 miles of a licensed West Virginia corporation or branch office: *Provided, however*, That  
5 nothing in this subsection restricts employees of the licensee from participating in regulated  
6 consumer lending activities at other locations for limited periods of time. Any regulated consumer  
7 lender activity conducted by an employee of the West Virginia licensee shall be considered,  
8 reported, and regulated as loans of the West Virginia licensee, regardless of the employee's  
9 location during the activity.

10 (b) A licensee, prior to authorizing work by employees at a location other than the  
11 licensee's designated place of business, shall ensure the following:

- 12 (1) No in-person customer interactions will be conducted at the other location;
- 13 (2) The other location is not designated as a business location to consumers or customers;
- 14 (3) Appropriate data security and privacy safeguards are in place for licensee and  
15 consumer data, information, and records at the other location, including, but not limited to, the  
16 use and maintenance of secure virtual private networks and maintenance of appropriate security  
17 updates, patches, or other alterations to ensure the security of electronic devices;
- 18 (4) Appropriate risk-based monitoring and oversight processes of work performed by the  
19 employees of a licensee at the other location are in place, and records of such monitoring and  
20 processes are maintained;

21 (5) No consumer information or records are maintained at the other location;

22 (6) All consumer and licensee information and records remain accessible and available  
23 for regulatory oversight and examinations;

24 (7) Employees are trained and keep confidential all conversations about, and with,  
25 consumers that may be conducted at the other location; and

26 (8) The other location is a safe and secure workplace for employees.

27 (c) A licensee, prior to authorizing work at a location other than the licensee's designated  
28 place of business, shall establish written policies and procedures to ensure compliance with the  
29 requirements of subsection (b) of this section.

30 (d) A licensee that authorizes work at another location pursuant to this section shall:

31 (1) Periodically review and document compliance with the provisions of this section and  
32 the written policies and procedures established pursuant to subsection (c) of this section as it  
33 relates to every employee who works at another location; and

34 (2) Certify annually to the commissioner that the provisions of this section have been met  
35 as to each employee working at another location.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

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*Clerk of the House of Delegates*

.....  
*Clerk of the Senate*

Originated in the House of Delegates.

In effect ninety days from passage.

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within is ..... this the.....  
Day of ....., 2023.

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*Governor*