

1 **ENROLLED**

2 **H. B. 2158**

3  
4 (By Delegates Moore, Reynolds and Azinger)

5 [Passed April 13, 2013; in effect ninety days from passage.]  
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10 AN ACT to amend and reenact §31A-8C-2 of the Code of West Virginia,  
11 1931, as amended, relating to the provision of  
12 financially-related services by banks and bank holding  
13 companies; and providing that a West Virginia state-chartered  
14 banking institution may engage in a financially related  
15 activity directly if a federal or state thrift, federal credit  
16 union, or state bank chartered in another state may engage in  
17 that financially related activity.

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

19 That §31A-8C-2 of the Code of West Virginia, 1931, as amended,  
20 be amended and reenacted to read as follows:

21 **ARTICLE 8C. PROVISION OF FINANCIALLY-RELATED SERVICES BY BANKS**  
22 **AND BANK HOLDING COMPANIES.**

23 **§31A-8C-2. Banks and bank holding companies permitted to offer**

1                   **financially related services.**

2           (a) Subject to the prior approval of the Commissioner of  
3 Financial Institutions, any West Virginia state-chartered banking  
4 institution or any bank holding company headquartered in this state  
5 may, either through equity investment in other entities or through  
6 a wholly owned subsidiary or subsidiaries, or by contract or  
7 agreement with others to provide such products or services, engage  
8 in any activity, exercise any power or offer any product or service  
9 that is financially related. A state-chartered banking institution  
10 may engage in a financially related activity directly and not  
11 through an operating subsidiary, financial subsidiary or affiliate  
12 if it is permissible for a national or state bank, federal or state  
13 thrift, federal credit union, or other financial service provider  
14 operating pursuant to federal law or regulation or the laws of  
15 other states to engage in the financially related activity  
16 directly. The commissioner shall grant or deny any request under  
17 this section within sixty days of receipt unless additional  
18 information is required.

19           (b) In determining whether an activity is financially related,  
20 the commissioner shall consider:

21           (1) The ability of financial institutions to exercise any  
22 additional powers in a safe and sound manner;

23           (2) The authority of national or state banks, federal or state  
24 thrifts, federal credit unions and other financial service

1 providers operating pursuant to federal law or regulation or the  
2 laws of other states to provide the financially related service;  
3 and

4 (3) Any specific limitations on financial institution  
5 operations or powers contained in this chapter.

6 (c) If a state-chartered banking institution or bank holding  
7 company must make prior application to a federal bank regulatory  
8 agency for approval to engage in a financially related activity,  
9 the banking institution or bank holding company shall file with the  
10 commissioner a copy of the application submitted to the federal  
11 agency.

12 (d) The commissioner shall include a list of every financially  
13 related activity authorized pursuant to this section during the  
14 previous twelve months in his or her annual report to the  
15 Legislature.