WEST virginia legislature

2023 regular session

Introduced

House Bill 3500

By Delegates Westfall, Barnhart, and Hott

[Introduced February 14, 2023; Referred to the Committee on the Judiciary]

A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §46A-4-114, clarifying that regulated consumer lenders may conduct certain activities at locations other than their normal business locations and providing certain limitations to that activity.

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.

Notwithstanding anything to the contrary in this article, the employees of a licensee shall be permitted to conduct the business of the licensee at any location other than the one designated by the licensee as the place of business: *Provided*, That the licensee ensures the following:

(1) No in-person customer interactions will be conducted at the other location, and that the licensee will not designate to consumers or customers any other location as its principal business location;

(2) Appropriate safeguards for licensee and consumer data, information, and records, including the use of secure virtual private networks where appropriate are maintained;

(3) Appropriate risk-based monitoring and oversight processes of work performed by the employees of a licensee at their other location, and maintains records of the same;

(4) No consumer information and records are maintained at a location other than the principal place of business;

(5) Consumer and licensee information and records remain accessible and available for regulatory oversight and examinations; and

(6) Employees are trained to keep confidential all conversations about, and with, consumers that may be conducted at a location other than the licensee’s principal place of business.

NOTE: The purpose of this bill is to permit regulated consumer lenders to permit employees to conduct certain business at locations other than the licensee’s designated office.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.