

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]

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

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

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

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

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

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

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

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

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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.