

HB 4130

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# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

— ● —

# ENROLLED

Com. Sub. for  
HOUSE BILL No. 4130

(By Delegates *S. Williams, Phillips, H. White,*  
*Harrison & Rutledge*)

— ● —

Passed *March 1,* 1994

In Effect *90 Days From* Passage

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SECRETARY OF STATE

**ENROLLED**  
COMMITTEE SUBSTITUTE  
FOR

**H. B. 4130**

(By DELEGATES S. WILLIAMS, PHILLIPS, H. WHITE,  
HARRISON AND RUTLEDGE)

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[Passed March 1, 1994; in effect ninety days from passage.]

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AN ACT to amend and reenact section forty, article four, chapter thirty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to banking institutions and services generally; the procedures for permissive closing of banking institutions; and required notice of such closings.

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

That section forty, article four, chapter thirty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 4. BANKING INSTITUTIONS AND SERVICES  
GENERALLY.**

**§31A-4-40. Permissive closing on fixed weekday or  
portions of weekdays; notice of closings;  
emergency closings; procedures.**

- 1 (a) In addition to Sundays and legal holidays any
- 2 banking institution may remain closed on any one fixed
- 3 weekday or portion of a day in each calendar week, or
- 4 on any one fixed weekday and a portion of another
- 5 weekday in each calendar week, or on portions of two
- 6 weekdays in each calendar week, which day and/or
- 7 portion or portions of the day or days when the
- 8 institution is to remain closed shall be designated by a

9 resolution adopted by the board of directors thereof.  
10 Prior to any such closing, the banking institution shall  
11 post a notice in a conspicuous place in its banking room  
12 stating that beginning on a day certain the banking  
13 institution will remain closed on a fixed weekday and/or  
14 portions thereof. Concurrently with the posting of the  
15 notice of closure, the banking institution shall cause a  
16 notice to be published as a Class II legal advertisement  
17 in compliance with the provisions of article three,  
18 chapter fifty-nine of this code, and the publication area  
19 for the publication shall be the county in which the  
20 principal office of the bank is located. The notice shall  
21 set forth the time or times on which the bank will  
22 remain closed and the date when the closing becomes  
23 effective. A certified copy of the resolution certified by  
24 the cashier or secretary of the banking institution,  
25 together with an affidavit of posting and proof of  
26 publication of the notice herein required, shall be filed  
27 with the commissioner of banking.

28 (b) Any banking institution may close, without notice,  
29 during any period of actual or threatened enemy attack  
30 affecting the community in which the banking institu-  
31 tion is located or during any period of other emergency  
32 including, but not limited to, fire, flood, hurricane, riot,  
33 snow or civil commotion: *Provided*, That the commis-  
34 sioner shall be notified of any closing made pursuant to  
35 this subsection as soon as practical thereafter.

36 (c) Any fixed weekday and/or portion of one or more  
37 weekdays on which any banking institution shall elect  
38 to close and any period during which the commissioner  
39 may permit it to close pursuant to the authority of this  
40 section shall constitute a legal holiday with respect to  
41 the banking institution and not a business day or  
42 banking day for the purposes of the law relating to  
43 negotiable instruments, and any act or contract autho-  
44 rized, required or permitted to be carried out or  
45 performed at, by or with respect to the banking  
46 institution may be performed on the next business or  
47 banking day, and no liability or loss of rights on the part  
48 of any person or banking institution shall result  
49 therefrom.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*[Handwritten signature]*  
.....  
Chairman Senate Committee

*Ernest C. Moore*  
.....  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*David E. [unclear]*  
.....  
Clerk of the Senate

*Donald L. Topp*  
.....  
Clerk of the House of Delegates

*Neil Burdette*  
.....  
President of the Senate

*[Handwritten signature]*  
.....  
Speaker of the House of Delegates

The within *is approved* ..... this the *16th*  
day of *March* ..... 1994.

*Winston Capner*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/10/94

Time 9:31 am