

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 683

BY SENATOR AZINGER

[Introduced February 18, 2022; referred
to the Committee on Banking and Insurance]

1 A BILL to amend and reenact §46A-4-110 of the Code of West Virginia, 1931, as amended,
 2 relating to permit regulated consumer lenders may conduct business other than making
 3 loans provided that such subject be to the approval by the commissioner for the Division
 4 of Financial Institutions.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. REGULATED CONSUMER LENDERS.

§46A-4-110. Conduct of Business Other Than Making Loans.

1 (1) No licensee ~~shall~~ may conduct the business of making loans under the provisions of
 2 this article within any office, room or place of business in which any other business is solicited or
 3 engaged in, or in association or conjunction therewith, except as may be authorized in writing by
 4 the commissioner upon his finding that ~~the character of such other business is sufficiently related~~
 5 ~~to that of a financial institution and is such that the granting of such~~ that authority would not
 6 facilitate evasions of this article or of the rules lawfully made hereunder, except nothing herein
 7 ~~shall~~ may prohibit the licensee from purchasing installment sales contracts or the sale or provision
 8 of insurance authorized by §46A-3-109 of this code, or from making loans authorized under the
 9 provisions of the West Virginia secondary mortgage loan act as set forth in §31-17-1 *et seq.* of
 10 this code, or from engaging in any business previously approved by the commissioner prior to
 11 September 1, 1996.

12 (2) A licensee may purchase, hold, and convey real property as follows:

13 (a) As shall be necessary for the convenient transaction of its business;

14 (b) As is mortgaged to it in good faith by way of security for loans made by or money due
 15 to such regulated consumer lender;

16 (c) As is conveyed to it in satisfaction of debts previously contracted in the course of its
 17 dealings;

18 (d) As is acquired by the sale on execution or judgment or decree of any court in its favor.

19 (3) A licensee ~~shall~~ may not purchase, hold, or convey any real property in any other case

20 or for any other purpose whatsoever. Real property shall be conveyed only by authority of the
21 board of directors of any such regulated consumer lender. No real property acquired upon
22 foreclosure in the cases contemplated in subdivision (b), or acquired under subdivisions (c) and
23 (d) of this section ~~shall~~ may be held for a longer time than 10 years, unless ~~such~~ the period ~~shall~~
24 ~~be~~ is extended by the commissioner of banking.

NOTE: The purpose of this bill is to permit regulated consumer lenders to conduct business other than making loans provided that such is subject to approval by the Commissioner of the Division of Financial Institutions.

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