

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

Introduced

House Bill 2611

By Delegates Barnhart, Westfall, Hott, Espinosa and

Rowe

[Introduced January 17, 2023; Referred to the
Committee on Banking and Insurance then the
Judiciary]

1 A BILL to amend and reenact §31A-8-12a of the Code of West Virginia, 1931, as amended,
2 relating to banking from mobile units and provision of messenger services; expanding the
3 area in which banking from mobile units and the provision of messenger services may be
4 conducted; and updating the boundary limitations for mobile banking and messenger
5 services by banking institutions or other depository institutions.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 8. HEARINGS; ADMINISTRATIVE PROCEDURES; JUDICIAL REVIEW;
UNLAWFUL ACTS; PENALTIES.**

§31A-8-12a. Banking from mobile units; limitation of messenger services.

1 (a) It is illegal for any banking institution or other depository institution to conduct its
2 business in a facility that is a mobile unit not permanently attached to the real estate upon which it
3 is located, except: (i) That such mobile units may be used as temporary banking quarters pending
4 construction of a permanent bank building on the same or adjacent property thereto if a charter for
5 said bank has previously been approved; or except (ii) as provided by subsection (b) of this
6 section. This section shall may not be construed or interpreted to prohibit a financial institution
7 from providing messenger services to its customers by which items are received by mail, armored
8 car service or other courier or delivery service for subsequent deposit. ~~Provided, That all such~~
9 ~~messenger services are confined to the territorial boundaries of the county in which an office of~~
10 ~~such financial institution is located or within 50 miles of an office of such financial institution~~

11 (b) Upon the approval of the commissioner, a banking institution may establish one or more
12 mobile facilities to accept or withdraw deposits, pay checks, issue cashier's checks, traveler's
13 checks and other instruments, as well as perform other banking services. Each mobile facility shall
14 be affiliated with and operated by a bank or branch office of a bank physically located and
15 authorized to do business in West Virginia. ~~All mobile facilities permitted hereunder are confined to~~
16 ~~the territorial boundaries of the county in which an office of such financial institution is located or~~

17 ~~within thirty miles of an office of such financial institution~~ A mobile facility shall be viewed as an
18 extension of the qualified offices of the bank located in West Virginia and the transactions shall be
19 governed by the laws applicable as if made at such offices. The term "mobile facility" shall include
20 a mobile customer bank communications terminal which is intended to be moved or driven from
21 place to place. A mobile customer bank communications terminal will be treated as an off-
22 premises unit subject to mandatory sharing laws and rules notwithstanding any contrary
23 provisions of this subsection: *Provided*, That no mobile customer bank communications terminal
24 may serve as an automatic loan machine (ALM) terminal on behalf of any other institution other
25 than the operating bank: *Provided, however*, That no mobile facility may be operated within 2,000
26 feet of another bank's main office or branch office.

NOTE: The purpose of this bill is to remove certain territorial limitations on a banking institution's ability to offer messenger services or mobile banking facilities, except that the 2,000 foot limit to the proximity of another bank's main or branch office remains.

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