

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Enrolled

Committee Substitute

for

Committee Substitute

for

Senate Bill 617

BY SENATORS WILLIS, OLIVERIO, RUCKER, DEEDS, AND

TAYLOR

[Passed March 14, 2026; in effect 90 days from

passage (June 12, 2026)]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding a new article,
2 designated §31A-2C-1, §31A-2C-2, §31A-2C-3, §31A-2C-4, §31A-2C-5, §31A-2C-6, and
3 §31A-2C-7, relating to establishing the Banking and Financial Services Provider
4 Protections for Eligible Adults from Financial Exploitation article; providing findings,
5 purpose, and intent; defining terms; permitting disclosure of eligible persons financial
6 information to certain third parties; requiring disclosure to designated state agency;
7 authorizing depository institutions to delay, refuse, or prevent certain activities and
8 transactions to prevent financial exploitation of an eligible adult; providing for record
9 keeping; providing exemption from certain privacy laws; and proscribing immunities for
10 depository institutions.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 2C. BANKING AND FINANCIAL SERVICES PROVIDER PROTECTIONS
FOR ELIGIBLE ADULTS FROM FINANCIAL EXPLOITATION.**

§31A-2C-1. Short title.

1 This article may be cited as Banking and Financial Services Provider Protections for
2 Eligible Adults from Financial Exploitation.

§31A-2C-2. Legislative findings, purpose, and intent.

1 (a) The Legislature recognizes that depository institutions have duties imposed by law and
2 by contract to conduct customer-directed transactions in a timely manner, and in accordance with
3 their customers' instructions.

4 (b) The Legislature recognizes that customers are increasingly being induced to authorize
5 transactions that are not in their interest.

6 (c) It is the intent of the Legislature to:

7 (1) Ensure that eligible adults have ready access to their funds;

8 (2) Provide depository institutions with the tools and protections to intervene in customer-
9 directed transactions when, in their discretion, the transaction presents a potential significant risk
10 of harm to the customer; and

11 (3) Provide designated state agencies with the tools and information to investigate
12 potential financial exploitation.

13 (d) The Legislature does not intend to create a duty for depository institutions to
14 contravene the valid instructions of their customers, and nothing in this article creates such a duty.

§31A-2C-3. Definitions.

1 The terms and phrases used in this article have the following meanings:

2 "Account" means a contract deposit of funds between the depositor and a depository
3 institution that is one of the following:

4 (A) A consumer account owned by an eligible adult, whether individually or with one or
5 more other persons;

6 (B) A conservatorship or guardianship account of which the eligible adult is a beneficiary;
7 or

8 (C) A line of credit owned by an eligible adult, whether individually or with one or more
9 other persons.

10 "Associated third-party" means an individual that:

11 (A) An eligible adult has previously designated as an emergency contact for the depository
12 institution to contact in writing, or who is the parent, spouse, adult child, sibling, or other close
13 family member of the eligible adult;

14 (B) Is a co-owner, additional authorized signatory, or beneficiary on an eligible adult's
15 account or an agent under a power of attorney; or

16 (C) Is an attorney, trustee, conservator, guardian, or other fiduciary whom a court or a
17 government agency selects to manage some or all of the financial affairs of the eligible adult.

18 "Depository institution" has the same meaning as defined in §31-17A-2 of this code.

19 "Designated state agency" means the entity responsible for receiving reports of alleged or
20 suspected maltreatment or financial exploitation of an eligible adult, including the West Virginia
21 Department of Human Services Bureau for Social Services and the West Virginia Attorney
22 General.

23 "Eligible adult" means:

24 (A) A person 65 years of age or older or a person subject to §9-6-1 *et seq.* of this code; or

25 (B) A person 18 years or older who:

26 (i) Has a substantial mental or functional impairment that significantly interferes with his
27 or her ability to make financial decisions, or for whom a guardian has been appointed under state
28 law; and

29 (ii) The depository institution has actual knowledge that the person has a substantial
30 mental or functional impairment or that a guardian has been appointed under state law.

31 "Financial exploitation" means:

32 (A) The wrongful or unauthorized taking, withholding, appropriation, expenditure, or use
33 of money, assets, or property owned by an eligible adult; or

34 (B) An act or omission taken by a person, including through the use of a power of attorney,
35 guardianship, trustee, or conservatorship of an eligible adult, to:

36 (i) Obtain control, through deception, intimidation, or undue influence, over the eligible
37 adult's money, assets, or property to deprive the eligible adult of the ownership, use, benefit, or
38 possession of the eligible adult's money, assets, or property; or

39 (ii) Convert money, assets, or property of the eligible adult to deprive the eligible adult of
40 the ownership, use, benefit, or possession of the eligible adult's money, assets, or property.

§31A-2C-4. Government disclosures.

1 Any depository institution or its employees, or both, who believe that financial exploitation
2 of an eligible adult has occurred, may have been attempted, or is being attempted, shall promptly
3 notify a designated state agency.

§31A-2C-5. Authority to delay, refuse, or prevent certain activities.

1 (a) When, based on personal observation or information received from a governmental
2 agency or law-enforcement agency, a depository institution or its employees believe that financial
3 exploitation of an eligible adult may have occurred, has been attempted, is occurring, or is being
4 attempted, the depository institution or its employees may, but are not required to:

5 (1) Delay or refuse one or more transactions with or involving the eligible adult;

6 (2) Delay or refuse to permit the withdrawal or disbursement of funds contained in the
7 eligible adult's account;

8 (3) Prevent a change in ownership of the eligible adult's account;

9 (4) Prevent a transfer of funds from the eligible adult's account to an account owned wholly
10 or partially by another person;

11 (5) Refuse to comply with instructions given to the depository institution by an agent or a
12 person acting for or with an agent under a power of attorney signed or purported to have been
13 signed by the eligible adult; or

14 (6) Prevent the designation or change the designation of beneficiaries to receive any
15 property, benefit, or contract rights for an eligible adult at death.

16 (b) A depository institution or its employees are not required to act under subsection (a)
17 of this section when provided with information alleging that financial exploitation may have
18 occurred, may have been attempted, is occurring, or is being attempted, but may use their sole
19 discretion to determine whether or not to act under subsection (a) of this section based on the
20 information available to them at the time.

21 (c) The authority to delay and/or refuse a transaction set forth in subsection (a) of this
22 section expires upon the sooner of:

23 (1) Fifteen business days after the date on which the depository institution first acted under
24 subsection (a) of this section, unless the designated state agency is conducting an investigation
25 and requests an extension, in which case it may be extended for an additional 30 days;

26 (2) When the depository institution is satisfied in its sole discretion that the transaction or
27 act will not likely result in financial exploitation of the eligible adult; or

28 (3) Upon an order of a court of competent jurisdiction directing the release of funds.

29 (d) Notwithstanding any other law to the contrary, the refusal to engage in a transaction
30 as authorized under subsection (a) of this section may not constitute the wrongful dishonor of an
31 item under §46-4-1 *et seq.* of this code.

32 (e) A reasonable belief that payment of a check will facilitate the financial exploitation of
33 an eligible adult constitutes reasonable grounds to doubt the collectability of the item for purposes
34 of the federal Check Clearing for the 21st Century Act, 12 U.S.C. § 5001 *et seq.*, the federal
35 Expedited Funds Availability Act, 12 U.S.C. § 4001 *et seq.*, and 12 C.F.R. part 229. Nothing
36 herein, however, requires depository institutions or their employees to review the checks of
37 eligible adults.

38 (f) A delay or refusal to complete a funds transfer request as authorized under subsection
39 (a) of this section does not violate §46-4A-101 *et seq.* of this code: *Provided*, That if a transaction
40 is delayed under subsection (a) of this section, the payment order is not considered as received
41 until the hold is removed and the depository institution submits the payment order for processing.
42 Funds transfer and payment order have the same meanings as defined in §46-4A-101 *et seq.* of
43 this code.

44 (g) The depository institution shall maintain internal records of any delay and/or refusal of
45 a transaction as set forth in subsection (a) of this section.

§31A-2C-6. Third-party notifications.

1 (a) A depository institution or its employees may notify an associated third party, if any, if
2 the depository institution or its employees believe that the financial exploitation of the eligible adult
3 is occurring, has or may have occurred, is being attempted, or has been or may have been
4 attempted.

5 (b) A depository institution or its employees may choose not to notify an associated third
6 party as described in subsection (a) of this section if the depository institution or its employees
7 believe that the third party is, may be, or may have been engaged in the financial exploitation of
8 the eligible adult.

9 (c) When providing information under subsection (a) of this section, a depository institution
10 or its employees may limit the information provided to disclose their suspicion that the eligible
11 adult may be a victim or target of financial exploitation.

12 (d) Any disclosure under subsection (a) of this section is exempt from coverage by state
13 privacy laws and requirements.

§31A-2C-7 Immunities.

1 If the determinations and actions of a depository institution or an employee of a depository
2 institution are made in good faith and in accordance with the provisions of this article, then the
3 depository institution or employee shall be immune from criminal, civil, or administrative liability
4 for the following:

5 (1) A depository institution or its employees who makes, or chooses not to make a
6 disclosure pursuant to §31A-2C-4 of this code, notify an associated third-party pursuant to §31A-
7 2C-6 of this code, or participate in a judicial proceeding, administrative proceeding, or
8 investigation arising from a notification or report;

9 (2) A depository institution or its employees that delays, refuses, or prevents a transaction
10 pursuant to §31A-2C-5 of this code, or decides not to delay, refuse, or prevent a transaction
11 pursuant to §31A-2C-5 of this code; or

12 (3) A depository institution or its employees who accept from the eligible adult the
13 designation of an associated third-party the information provided by the eligible adult regarding
14 the associated third-party.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

Originated in the Senate.

In effect 90 days from passage.

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President of the Senate

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Speaker of the House of Delegates

The within is this the.....
Day of, 2026.

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Governor