

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4789

By Delegate Criss

[By Request of the Division of Financial Institutions]

[Introduced January 23, 2026; referred to the

Committee on Finance]

1 A BILL to amend and reenact §31A-8D-4 of the Code of West Virginia, 1931, as amended, relating
2 to bank merger by interstate branching and providing clarity regarding the disclosure
3 required when an out of state bank acquires a West Virginia state-chartered bank.

Be it enacted by the Legislature of West Virginia:

ARTICLE 8D. INTERSTATE BRANCHING BY BANK MERGERS.

**§31A-8D-4. Interstate merger transactions and branching involving out-of-state banks
permitted.**

1 (a) Beginning on May 31, 1997, one or more West Virginia banks may enter into an
2 interstate merger transaction with one or more out-of-state banks under this article, and an out-of-
3 state bank resulting from such transaction may maintain and operate the branches and offices in
4 West Virginia of a West Virginia bank that participated in such transaction: *Provided*, That the
5 conditions and filing requirements of this article are met.

6 (b) A merger transaction shall not be permitted under this article if, upon consummation of
7 such transaction, the resulting bank (including all insured depository institution affiliates of the
8 resulting bank) would assume sufficient additional deposits to cause it to control deposits in this
9 state in excess of that allowed by §31A-2-12a of this chapter code: *Provided*, That the
10 commissioner may by rule adopt a procedure whereby said acquisition deposit limitation as set
11 forth in this code may be waived for good cause shown. The commissioner shall calculate the
12 acquisition deposit limitation based upon the most recently available reports containing such
13 deposit information filed with state or federal authorities.

14 (c) A merger transaction resulting in the acquisition by an out-of-state bank of a West
15 Virginia state bank, or all or substantially all of the branches of a West Virginia state bank, or
16 resulting in the acquisition by an out-of-state state bank of a West Virginia bank or the change of
17 control over a branch operating in West Virginia, shall not be permitted under this article unless the
18 out-of-state bank confirms in writing to the commissioner that as long as it maintains a branch in
19 West Virginia: (i) The out-of-state bank confirms in writing to the commissioner that as long as it

- 20 ~~maintains a branch in West Virginia~~, it will comply with all applicable laws of this state, including
21 consumer protection laws; (ii) deposits of the resulting bank in this state are insured in conformity
22 with the provisions of §31A-1-6 of this ~~chapter code~~; and (iii) the resulting bank, if state chartered,
23 meets the capital requirements set forth in §31A-4-3 of this ~~chapter code~~.

NOTE: The purpose of this bill is to provide clarity regarding the attestation submitted in response to an interstate bank merger.

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