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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993



ENROLLED

Com. Sub. for

HOUSE BILL No. 2250

(By Delegates *Williams, Cooper, Phillips,*.....)
H. White, Rutledge and Harrison



Passed *April 7,*..... 1993

In Effect *ninety days from*..... Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 2250

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

[Passed April 7, 1993; in effect ninety days from passage.]

AN ACT to amend and reenact section thirty-three, article four, chapter thirty-one-a of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to joint deposit accounts; payment, pledge or garnishment of joint accounts; notice requirements; limitation on liability of banking institutions; and rules to be promulgated by the commissioner.

Be it enacted by the Legislature of West Virginia:

That section thirty-three, 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:

§31A-4-33. Deposits in trust; deposits in more than one name; limitation on liability of institutions making payments from certain accounts; notice requirements; pledges or garnishment of joint accounts; commissioner to promulgate rules.

1 (a) If any deposit in any banking institution be made
2 by any person describing himself in making such
3 deposit as trustee for another, and no other or further
4 notice of the existence and terms of a legal and valid

5 trust than such description shall be given in writing to
6 the banking institution, in the event of the death of the
7 person so described as trustee, such deposit, or any part
8 thereof, together with the interest thereon, may be paid
9 to the person for whom the deposit was thus stated to
10 have been made.

11 (b) When a deposit is made by any person in the name
12 of such depositor and another or others and in form to
13 be paid to any one of such depositors, or the survivor
14 or survivors of them, such deposit, and any additions
15 thereto, made by any of such persons, upon the making
16 thereof, shall become the property of such persons as
17 joint tenants. All such deposits, together with all interest
18 thereon, shall be held for the exclusive use of the persons
19 so named, and may be paid to any one of them during
20 the lifetime of them, or to the survivor or survivors after
21 the death of any of them.

22 (c) Payment to any joint depositor and the receipt or
23 the acquittance of the one to whom such payment is
24 made shall be a valid and sufficient release and
25 discharge for all payments made on account of such
26 deposit, prior to the receipt by the banking institution
27 of notice in writing, signed by any one of such joint
28 tenants not to pay such deposit in accordance with the
29 terms thereof. Prior to the receipt of such notice no
30 banking institution shall be liable for the payment of
31 such sums.

32 (d) All owners of joint deposit accounts created
33 pursuant to this section shall be given written notice on
34 a form to be approved by the banking commissioner that
35 the entire balance of any such account may be paid to
36 a creditor or other claimant of any one of the joint
37 tenants pursuant to legal process, including, but not
38 limited to, garnishment, suggestion, or execution,
39 regardless of the receipt of any notice from any of the
40 joint tenants. Such notice shall also advise the owners
41 of a joint deposit account that the entire balance of any
42 such account may be paid to any of the named joint
43 tenants at any time; pledged as security to a banking
44 institution by any of the named joint tenants; or
45 otherwise encumbered at the request of any of the

46 named joint tenants unless written notice is given to the
47 banking institution, signed by any one of the joint
48 tenants, not to permit such payment, pledge or
49 encumbrance.

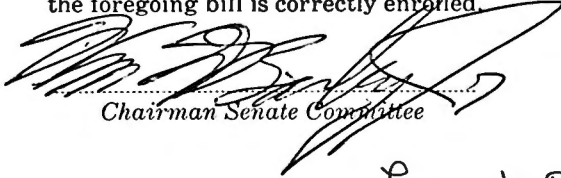
50 (e) If a pledge or encumbrance of any joint account
51 created pursuant to this section is made to a banking
52 institution and the banking institution has not received,
53 prior to the date of the pledge, any written notice signed
54 by any one of the joint tenants prohibiting such a pledge
55 or encumbrance, the banking institution shall not be
56 liable to any one of the joint tenants for its recourse
57 against the deposit in accordance with the terms of the
58 pledge.

59 (f) A banking institution may pay the entire amount
60 of a deposit account created pursuant to this section to
61 a creditor or other claimant of any one of the joint
62 tenants in response to legal process employed by the
63 creditor including, but not limited to, garnishment,
64 suggestion, or execution, regardless of any notice
65 received from any of the joint tenants. Upon such
66 payment, the banking institution shall be released and
67 discharged from all payments on account of such
68 deposit. ~~Provided, that payment by a banking institu-~~
69 ~~tion to any such creditor shall be without prejudice to~~
70 ~~any right or claim of any joint tenant against the~~
71 ~~creditor or any other person to recover his interest in~~
72 ~~the deposit.~~

73 (g) The commissioner shall promulgate rules in
74 accordance with the provisions of chapter twenty-nine-
75 a of this code regarding the approval of forms and
76 procedures required by this section.

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

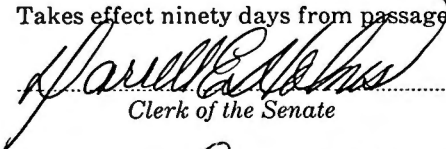


.....
Chairman Senate Committee

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

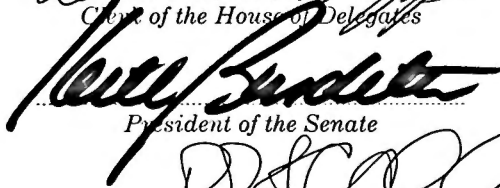
Originating in the House:

Takes effect ninety days from passage.



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Clerk of the Senate

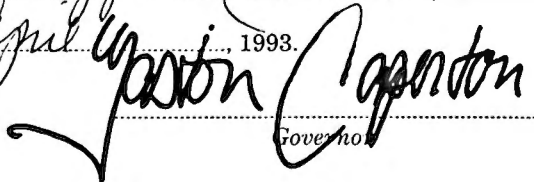
Deniel L. Jopp
.....
Clerk of the House of Delegates



.....
President of the Senate

.....
Speaker of the House of Delegates

The within *is approved* this the *19th*
day of *April* 1993.



.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/14/93

Time 11:05 am