

WEST VIRGINIA LEGISLATURE

2023 REGULAR SESSION

ENROLLED

House Bill 2611

BY DELEGATES BARNHART, WESTFALL, HOTT, ESPINOSA

AND ROWE

[Passed March 2, 2023; in effect ninety days from
passage.]

1 AN ACT 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
3 it is located, except: (i) That such mobile units may be used as temporary banking quarters
4 pending construction of a permanent bank building on the same or adjacent property thereto if a
5 charter for said bank has previously been approved; or except (ii) as provided by subsection (b)
6 of this section. This section 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.

9 (b) Upon the approval of the commissioner, a banking institution may establish one or
10 more mobile facilities to accept or withdraw deposits, pay checks, issue cashier's checks,
11 traveler's checks and other instruments, as well as perform other banking services. Each mobile
12 facility shall be affiliated with and operated by a bank or branch office of a bank physically located
13 and authorized to do business in West Virginia. A mobile facility shall be viewed as an extension
14 of the qualified offices of the bank located in West Virginia and the transactions shall be governed
15 by the laws applicable as if made at such offices. The term "mobile facility" shall include a mobile
16 customer bank communications terminal which is intended to be moved or driven from place to

17 place. A mobile customer bank communications terminal will be treated as an off-premises unit
18 subject to mandatory sharing laws and rules notwithstanding any contrary provisions of this
19 subsection: *Provided*, That no mobile customer bank communications terminal may serve as an
20 automatic loan machine (ALM) terminal on behalf of any other institution other than the operating
21 bank: *Provided, however*, That no mobile facility may be operated within 2,000 feet of another
22 bank's main office or branch office.

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

.....
Clerk of the House of Delegates

.....
Clerk of the Senate

Originated in the House of Delegates.

In effect ninety days from passage.

.....
Speaker of the House of Delegates

.....
President of the Senate

The within is this the.....
Day of, 2023.

.....
Governor