

TITLE 106
LEGISLATIVE RULE
WEST VIRGINIA DIVISION OF BANKING

SERIES 3
RULE GOVERNING OFF-PREMISE BOOKKEEPING SERVICES
OF FINANCIAL INSTITUTIONS IN WEST VIRGINIA

FILED
MAY 8 2 53 PM '97
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

§106-3-1. General.

1.1. Scope. -- This rule pertains to the operation of financial institutions under the primary jurisdiction of the Commissioner of Banking for the State of West Virginia.

1.2. Authority. -- W. Va. Code §31A-2-4(c)(11).

1.3. Filing Date. -- May 8, 1997

1.4. Effective Date. -- June 2, 1997

§106-3-2. Maintenance of Records and Accounts.

2.1. Off-premise bookkeeping services.

Prior to contracting off-premise data processing bookkeeping services, a financial institution shall notify the Commissioner of Banking of the contracted services. Both the financial institution and the off-premise processing servicer shall in writing assure the Commissioner that the party performing those services shall be subject to regulation and examination by the commissioner and any appropriate federal supervisory agency to the same extent as if the services were being performed by the financial institution on its own premises. Submission of a copy of the written contract for off-premises data processing bookkeeping services between the state financial institution and the service provider, signed by both parties, which contains a contractual obligation for the service provider to be subject to regulation and examination by the Commissioner and any appropriate federal agency, shall satisfy the written assurance requirement.



DIVISION OF BANKING

(304) 558-2294

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Promulgation History of Rule Series 1, 3, 4 and 19 of Title 106 CSR

Date

- July 19, 1996-- Filed Notice of a Comment Period on Proposed Rules (FORM 2) Proposals to amend Rules 1, 3, and 4; Delete Rules 2, 5 and 8; and to create a new Rule 19 to regulate reverse mortgages.
- Comment period runs from 7/19/96 to 8/19/96.
- August 28, 1996-- Filed Notice of Agency Approval of Proposed Rules (FORM 3) Approving proposal to amend Rules 1, 3, and 4; Delete Rules 2, 5 and 8; and to create a new Rule 19 to regulate reverse mortgages. [Note: the text of Rule 8 was largely being transferred to Rule 1 as amended; while small portions of the text to Rules 2 & 5 were being transferred to Rule 4 as amended].
- December 2, 1996-- Legislative Rule-Making Review Committee (LRMC) hearing on proposed Banking rules.
- December 19, 1996-- Notice of Action by LRMC approving Rules 1, 3, 4 and 19 as modified; and Rules 2, 5, and 8 as submitted for deletion.
- December 20, 1996-- Filed Notice of Rule Modification of a Proposed Rule for Rules 1, 3, 4 and 19. (FORM 4)
- February 21, 1997-- In response to LRMC's counsel's direction for procedural efficiency, the repeal of Rule 8 was incorporated into the amendments to Rule 1, and the repeal of Rules 2 & 5 were incorporated into the amendments to Rule 4. Filed Notice of Rule

Modification of a Proposed Rule for Rules 1 and 4 (FORM 4).
Submitted letter withdrawing filing for deletion of Rules 2, 5 and
8.

- March 3, 1997-- SB 157 introduced and referred to the Senate Judiciary Committee
- March 28, 1997-- Committee substitute for SB 157 reported by Senate Judiciary Committee. Provides for approval of 106 CSR §§ 1, 3, 4 and 19 as filed.
- April 20, 1997-- SB 157 passed Legislature.



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CONSENT TO FILE RULE

May 8, 1997

TO WHOM IT MAY CONCERN:

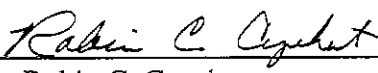
Title of Rule: Rule Governing Off-Premise Bookkeeping Services of Financial Institutions
in West Virginia

Title Number: 106

Series Number: 3

Pursuant to West Virginia Code §§ 5F-2-2(a) and 64-7-4(c), the undersigned hereby
consents to the filing of the foregoing rule.

Signed this 8th day of May, 1997.


Robin C. Capehart
Secretary of Tax & Revenue

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

JAN CASTO
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

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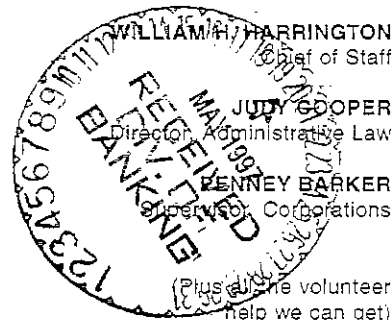
FILED



MAY 22 11 22 AM '97

STATE OF WEST VIRGINIA
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Building 1, Suite 157-K
1900 Kanawha Blvd., East
Charleston, WV 25305-0770



TO: TIM WINSLOW

AGENCY: BANKING

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: May 16, 1997

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 3 TITLE: 106 BANKING

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Janethy C. Winslow

TITLE OF PERSON SIGNING: General Counsel

DATE: 5/21/97

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. THE CORRECTIONS HAVE BEEN MARKED.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.