



APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

Rule Title: 106

11 PM 2:10

Type of Rule:  Legislative  Interpretive  Procedural

Agency West Virginia Division of Banking Address State Capitol Complex

Building 3, Room 311, Charleston, West Virginia 25305

1. Effect of Proposed Rule	ANNUAL		FISCAL YEAR		
	Increase	Decrease	Current	Next	Thereafter
Estimated Total Cost	\$	\$	\$	\$	\$
Personal Services	None	None	None	None	None
Current Expense	None	None	None	None	None
Repairs and Alterations	None	None	None	None	None
Equipment	None	None	None	None	None
Other	None	None	None	None	None

2. Explanation of above estimates:

None

3. Objectives of these rules:

To bring regulations into conformity with statutes by eliminating examination fees from the legislative rules:

4. Explanation of Overall Economic Impact of Proposed Rule.

A. Economic Impact on State Government.

None

B. Economic Impact on Political Subdivisions; Specific Industries;  
Specific groups of citizens.

None

C. Economic Impact on Citizens/Public at Large.

None

Date: July 11, 1991

Signature of Agency Head or Authorized Representative

Sharon J. Bias  
Deputy Commissioner of Banking



**DIVISION OF BANKING**

**James H. Paige, III, Commissioner**

Office of the Commissioner

Building #3, Room 311 • State Capitol Complex • Charleston, WV 25305 • (304) 348-2294 • FAX: (304) 348-0442

Gaston Caperton  
Governor

John Ranson  
Secretary

FR 100  
MAY 11 PM 2:10  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**SUMMARY OF PROPOSED AMENDMENT TO LEGISLATIVE RULES**

Pursuant to West Virginia Code §31A-2-8 annual assessment fees are now charged in lieu of examination fees. The amendment to 106 CSR 5 removes the examination fees from the legislative rules.

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OFFICE OF THE COMMISSIONER  
OF BANKING

**TITLE 106  
LEGISLATIVE RULES  
COMMISSIONER OF BANKING**

**SERIES 5  
REGULATIONS PERTAINING TO THE WEST VIRGINIA  
INDUSTRIAL BANK AND INDUSTRIAL LOAN COMPANY ACT**

**§106-5-1. General.**

1.1. Scope. -- These regulations establish general rules implementing and supplementing the West Virginia Industrial Bank and Industrial Loan Company Act.

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

1.3. Filing Date --

1.4. Effective Date. --

1.5. Repeal and Replace 106 CSR 5

**§106-5-2. Regulations of industrial loan companies and industrial banks.**

**2.1. Loan finance charges.**

With respect to a consumer loan, other than a consumer loan made pursuant to a revolving loan account, an industrial loan company or an industrial bank may contract for and receive a loan finance charge not exceeding the aggregate of twenty-one percent (21%) of the first five thousand dollars (\$5,000) as permitted in subdivision (5), subsection (a), section eleven, article seven, chapter thirty-one of the West Virginia Code, plus the interest and charges permitted by section thirty-a, article four, chapter thirty-one-a, or subsections (a) and (b), section five, article six, chapter forty-seven, or by section one hundred four, article three, chapter forty-six-a of the West Virginia Code, on those amounts exceeding five thousand dollars (\$5,000) plus such fee as permitted in subdivision (6), subsection (a), section eleven, article seven, chapter thirty-one of the West Virginia Code.

## 2.2. Advertising.

(a) No industrial loan company or industrial bank shall advertise, in any manner, that a loan of a prospective borrower with another lender will be paid or increased if the loan is transferred to the advertising institution.

(b) No reference to supervision or control by the state, the Attorney General, the Commissioner of Banking, the Department of Banking, or any other state agency, shall be made in any advertising by an industrial loan company or an industrial bank.

(c) No industrial loan company or industrial bank shall advertise in any manner that may tend to confuse the identity of the advertising institution with any other unrelated financial organization or loan company.

(d) Each industrial loan company and industrial bank shall retain a copy of all advertising for a period of two (2) years from the date of its use.



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Gaston Caperton  
Governor

John Ranson  
Secretary

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JUL 11 11 PH 2:09  
OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

July 3, 1991

The Honorable Ken Hechler  
Secretary of State  
State Capitol Complex  
Building 1, Suite 157-K  
Charleston, West Virginia

Dear Mr. Hechler:

Please be informed that I have reviewed the attached regulations, proposed by the West Virginia Division of Banking, and have approved them for submission.

Very truly yours,

John M. Ranson  
Secretary  
Commerce, Labor and Environmental  
Resources

JMR/bl