

WEST VIRGINIA)
SECRETARY OF STATE)
KEN HECHLER)
ADMINISTRATIVE LAW DIVISION)

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Form #4

NOTICE OF RULE MODIFICATION OF A PROPOSED RULE

AGENCY: WV Division of Banking TITLE NUMBER: 106

CITE AUTHORITY WV Code § 31A-2-4(c)(11) and 31-7-26

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 5

TITLE OF RULE BEING AMENDED: Regulations Pertaining to the WV
Industrial Bank and Industrial Loan Company Act

IF NO, SERIES OF NEW RULE BEING PROPOSED: _____

TITLE OF RULE BEING PROPOSED: _____

THE ABOVE PROPOSED LEGISLATIVE RULE, FOLLOWING REVIEW BY THE
LEGISLATIVE RULE MAKING COMMITTEE IS HEREBY MODIFIED AS A RESULT OF
REVIEW AND COMMENT BY THE LEGISLATIVE RULE-MAKING REVIEW COMMITTEE.
THE ATTACHED MODIFICATIONS ARE FILED WITH THE SECRETARY OF STATE.

Sharon S. Beck



DIVISION OF BANKING

Building #3, Room 311 • State Capitol Complex • 1900 Kanawha Blvd., East • Charleston, WV 25305-0240 • FAX: (304) 558-0442

CONSENT TO FILE RULE

November 20, 1995

TO WHOM IT MAY CONCERN:

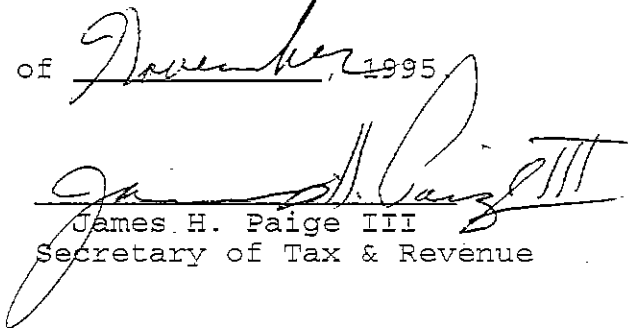
Title of Rule: Regulations Pertaining to the WV Industrial
Loan Company Act

Title Number: 106

Series Number: 5

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 27 day of November, 1995


James H. Paige III
Secretary of Tax & Revenue

TITLE 106
LEGISLATIVE RULE
WEST VIRGINIA DIVISION OF BANKING

SERIES 5

~~REGULATIONS RULES PERTAINING TO THE WEST VIRGINIA
INDUSTRIAL BANK AND INDUSTRIAL LOAN COMPANY ACT~~

§106-5-1. General.

1.1. Scope. -- ~~These regulations~~ This rule establishes general ~~rules provisions~~ implementing and supplementing the West Virginia ~~Industrial Bank and~~ Industrial Loan Company Act.

1.2. Authority. -- W. Va. Code §§31A-2-4(c)(11) and 31-7-26

1.3. Filing Date. -- ~~April 22, 1992~~

1.4. Effective Date. -- ~~April 24, 1992~~

§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 W. Va. Code §31-7-11(a)(5), plus the interest and charges permitted by W. Va. Code §31A-4-30a, or W. Va. Code §47-6-5(a) and (b), or by W. Va. Code §46A-3-104, on those amount exceeding five thousand dollars (\$5,000) , or as otherwise provided by order of the West Virginia Lending and Credit Rate Board pursuant to W. Va. Code § 47A-1-1 et seq. plus the The finance charge may include the loan investigation fee permitted in W. Va. Code §31-7-11(a)(6)(3).~~

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~~ industrial loan company.

(b) No industrial loan company ~~or industrial bank~~ shall make reference to supervision or control by the state, the Attorney

General, the Commissioner of Banking, the Division of Banking, or any other state agency, in any advertising.

(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.



FILED

Nov 27 2 13 PM '95

West Virginia Legislature
Legislative Rule-Making Review Committee

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Room MB47-State Capitol
Charleston, West Virginia 25305
(304) 347-4840

Senator Mike Ross, Co-Chair
Delegate Vickie Douglas, Co-Chair

Debra A. Graham, Counsel
Joe Altizer, Associate Counsel
Marie Nickerson, Admr. Assistant

November 15, 1995

NOTICE OF ACTION TAKEN BY LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

TO: Ken Hechler, Secretary of State, State Register

TO: Ms. Sharon Bias
Division of Banking
Bldg. 3, Room 311
Capitol Complex
Charleston, WV 25305

FROM: Legislative Rule-Making Review Committee

PROPOSED RULE: Regulations Pertaining to the West Virginia Industrial Bank and Industrial Loan Company Act

The Legislative Rule-Making Review Committee recommends that the West Virginia Legislature:

- 1. Authorize the agency to promulgate the Legislative Rule
 - (a) as originally filed
 - (b) as modified by the agency X
- 2. Authorize the agency to promulgate part of the Legislative rule; a statement of reasons for such recommendation is attached. _____
- 3. Authorize the agency to promulgate the Legislative rule with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
- 4. Authorize the agency to promulgate the Legislative rule as modified with certain amendments; amendments and a statement of reasons for such recommendation is attached. _____
- 5. Recommends that the rule be withdrawn; a statement of reasons for such recommendation is attached. _____

Pursuant to Code 29A-3-11(c), this notice has been filed in the State Register and with the agency proposing the rule.

cc: Timothy Winslow
General Counsel

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