



DIVISION OF BANKING

Building #3, Room 311 • State Capitol Complex • 1900 Kanawha Blvd., East • Charleston, WV 25305-0240 • (304) 558-2294
FAX: (304) 558-0442

CONSENT TO FILE RULE

August 28, 1996

TO WHOM IT MAY CONCERN:

Title of Rule: Regulations Pertaining to the WV Consumer Credit and Protection Act

Title Number: 106

Series Number: 8

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 so as to entirely delete and repeal the present rule.

Signed this 28th day of August, 1996.


James H. Paige III
Secretary of Tax & Revenue

DATE: August 28, 1996

TO: LEGISLATIVE RULE-MAKING REVIEW COMMITTEE

FROM: WV Division of Banking

LEGISLATIVE RULE TITLE: Regulations Pertaining to the West Virginia Consumer Credit and Protection [106 CSR 8]

1. Authorizing statute(s) citation W. Va. Code § 31A-2-4(c)(11)

2. a. Date filed in the State Register with Notice of ~~Hearing~~/ Comment Period.

July 19, 1996

b. What other notice, including advertising, did you give of the hearing?

Sent to each person/business on the WV Division of Banking's "Official Notification" list.

c. Date of ~~Hearing(s)~~/ Comment Period July 22, 1996 to Aug. 19, 1996.

d. Attach list of persons who appeared at hearing, comments received, amendments, reasons for amendments.

Attached _____ No comments received x

e. Date you filed in State Register the agency approved proposed Legislative Rule following public hearing: (be exact)

August 28, 1996

f. Name and phone number(s) of agency person(s) to contact for additional information:

Timothy Winslow 558-2294

3. If the statute under which you promulgated the submitted rules requires certain findings and determinations to be made as a condition precedent to their promulgation:

a. Give the date upon which you filed in the State Register a notice of the time and place of a hearing for the taking of evidence and a general description of the issues to be decided.

_____ N/A _____

_____ N/A _____

b. Date of hearing: _____ N/A _____

c. On what date did you file in the State Register the findings and determinations required together with the reasons therefore? ...

_____ N/A _____

d. Attach findings and determinations and reasons:

Attached _____ N/A _____



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COMMISSIONER OF BANKING REGULATIONS PERTAINING TO THE WEST VIRGINIA CONSUMER CREDIT AND PROTECTION ACT 106 CSR 8

Summary of Proposed Rule Amendments

The proposed amendments repeal this legislative rule, as part of an effort to consolidate all rules concerning finance charges in one place. The substantive language of this present rule is proposed to be placed instead into 106 CSR 1 as amended to the extent it conforms to the federal Truth-in-Lending Act. The amendments also delete obsolete references to a no longer existing interpretative ruling.

The change is intended to assist persons in more readily finding and ascertaining rules of the Commissioner of Banking pertaining to the treatment of finance charges.



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COMMISSIONER OF BANKING REGULATIONS PERTAINING TO THE WEST VIRGINIA CONSUMER CREDIT AND PROTECTION ACT 106 CSR 8

Statement of Circumstances

The proposed amendments to repeal this legislative rule and place most of its substantive provisions in 106 CSR 1, is being done to assist persons in more readily finding and ascertaining rules of the Commissioner of Banking pertaining to the treatment of finance charges. This consolidation is part of an effort to eliminate the need for rules with duplicative, or nearly duplicative, titles. The present fragmented rule set up can cause confusion, and result in persons erroneously believing they have read all pertinent rules governing the calculation of finance charges when they have not.

**APPENDIX B
FISCAL NOTE FOR PROPOSED RULES**

Rule Title: Regulations Pertaining to the West Virginia Consumer Credit and Protection Act [106 CSR 8]

Type of Rule: **Legislative** **Interpretive** **Procedural**

Agency: West Virginia Division of Banking

Address: State Capitol Complex

Building 3, Room 311

Charleston, West Virginia 25305-0240

1. Effect of Proposed Rule:

	ANNUAL		FISCAL YEAR		
	INCREASE	DECREASE	CURRENT	NEXT	THEREAFTER
ESTIMATED TOTAL COST	\$ 0	\$ 0	\$ 0	\$ 0	\$ 0
PERSONAL SERVICES	0	0	0	0	0
CURRENT EXPENSES	0	0	0	0	0
REPAIRS & ALTERATIONS	0	0	0	0	0
EQUIPMENT	0	0	0	0	0
OTHER	0	0	0	0	0

2. Explanation of above estimates:

The rule is being repealed and its conforming substantive provisions being moved and consolidated into another rule, and thus concerns no additional costs.

3. Objectives of these rules:

To delete the rule and move its substantive provisions to another rule dealing with the same issues. Thus assisting persons in more readily finding and ascertaining rules of the Commissioner of Banking pertaining to the treatment of finance charges.

Rule Title: Regulations Pertaining to the West Virginia Consumer Credit and Protection Act

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: 8/28/96

Signature of Agency Head or Authorized Representative:



~~TITLE 106~~
~~LEGISLATIVE RULES~~
~~COMMISSIONER OF BANKING~~

FILED

AUG 28 4 33 PM '96

~~SERIES 8~~
~~REGULATIONS PERTAINING TO THE WEST VIRGINIA~~
~~CONSUMER CREDIT AND PROTECTION ACT~~

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

~~§106-8-1. General.~~

~~1.1. Scope. These regulations establish general rules supplementing the West Virginia Consumer Credit and Protection Act.~~

~~1.2. Authority. W. Va. Code §31A-3-4(c)(12)~~

~~1.3. Filing Date. March 23, 1982~~

~~1.4. Effective Date. April 23, 1982~~

~~§106-8-2. Loan investigation fee, loan organization fee, loan application fee.~~

~~2.1. The terms "Loan Finance Charge," as defined in West Virginia Code subsection twenty six, section one hundred two, article one, chapter forty six a, and "Sales Finance Charge," as defined in West Virginia Code subsection thirty nine, section one hundred two, article one, chapter forty six a, shall include a loan investigation fee, a loan origination fee, a loan application fee or any other similar fee for purposes of determining the allowable usury limits on all consumer loans (as that term is defined in West Virginia Code subsection fifteen, section one hundred two, article one, chapter forty six a) and all consumer credit sales (as that term is defined in West Virginia Code subsection thirteen, section one hundred two, article one, chapter forty six a), regardless of the rate alternative utilized in West Virginia Code section one hundred four, article three, chapter forty six a.~~

~~2.2. Section 2.1 of these rules supersedes interpretative rules.~~

~~The definition in section 2.1 of these rules shall supersede Interpretative Ruling 2.3 as set out in the Commissioner's manual.~~