

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #2

Do Not Mark In this Box

FILED
JUL -9 PM 2:02
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

NOTICE OF A COMMENT PERIOD ON A PROPOSED RULE

AGENCY: West Virginia Division of Banking TITLE NUMBER: 106

RULE TYPE: Legislative; CITE AUTHORITY Sections 46A-3-109(1)(d) & 31A-2-4(c)(12)

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 11

TITLE OF RULE BEING AMENDED: Legislative Rule Pertaining to Permissible Additional Changes In Connection With A Consumer Credit Sale

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: _____

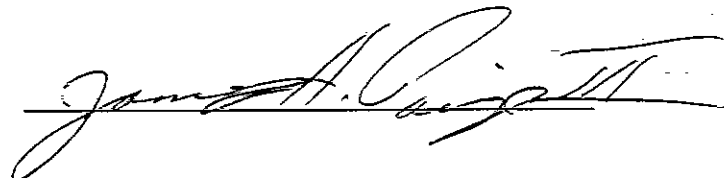
TITLE OF RULE BEING PROPOSED: _____

IN LIEU OF A PUBLIC HEARING, A COMMENT PERIOD HAS BEEN ESTABLISHED DURING WHICH ANY INTERESTED PERSON MAY SEND COMMENTS CONCERNING THESE PROPOSED RULES. THIS COMMENT PERIOD WILL END ON August 8, 1991 AT 5:00 p.m.

ONLY WRITTEN COMMENTS WILL BE ACCEPTED AND ARE TO BE MAILED TO THE FOLLOWING ADDRESS.

West Virginia Division of Banking
State Capitol Complex
Building 3, Room 311
Charleston, WV 25305
ATTN: Richard L. Lancianese

THE ISSUES TO BE HEARD SHALL BE LIMITED TO THIS PROPOSED RULE.



ATTACH A **BRIEF** SUMMARY OF YOUR PROPOSAL

2.60

APPENDIX B

FISCAL NOTE FOR PROPOSED RULES

FILED

Rule Title: Legislative Rule Pertaining to Permissible Additional Charges in Connection With A Consumer Credit Sale.

APR 11 - 9 PM 2:02
OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
Procedural

Type of Rule: X 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	\$ NONE	\$ NONE	\$ NONE	\$ NONE	\$ NONE
Personal Services					
Current Expense					
Repairs and Alterations					
Equipment					
Other					

2. Explanation of above estimates:

N/A

3. Objectives of these rules:

Changes in West Virginia Code Sections 46A-3-112 & 113 have increased the maximum delinquency charge from five (\$5.00) dollars to ten (\$10.00) dollars. The amendment to the rule will bring the rule into compliance with the Code sections.

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: _____

Signature of Agency Head or Authorized Representative

SUMMARY OF PROPOSED REGULATION

Chapter 46A was recently amended to raise the maximum documentary fee from \$25.00 to \$50.00. This being the case, §106-11-2.1 of the original regulation 106 CSR 11 was repealed and replaced with the proposed amendment.

106 CSR 11

FILED

1991 JUL -9 PM 2:02

TITLE 106
LEGISLATIVE RULES
WEST VIRGINIA DIVISION OF BANKING

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

SERIES 11
LEGISLATIVE RULE PERTAINING TO PERMISSIBLE ADDITIONAL
CHARGES IN CONNECTION WITH A CONSUMER CREDIT SALE

SECTION 106-11-1. GENERAL.

1.1. Scope. --These regulations establish specific rules with regard to "Permissible Additional Charges," for benefits conferred on the consumer in a consumer credit sale, pursuant to West Virginia Code subdivision (d), subsection (1), section one hundred nine, Article three chapter forty-six-a.

1.2. Authority. --West Virginia Code §§46A-3-109(1)(d) and 31A-2-4(c)(12).

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Repeal and Replace - 106 CSR 11

§106-11-2. Documentary fee or documentary charge.

2.1. Benefit to Consumer . --The "Documentary Fee" or "Documentary Charge" shall apply to a documentary service, said documentary service shall be limited to securing a title and services related to securing a title (said documentary service shall not include services which the seller is required by law to perform) actually provided to the consumer in a consumer credit sale. It shall not be mandatory for the seller to provide such documentary service for which said "Documentary Fee" or "Documentary Charge" would apply and it shall be optional for the consumer to accept said documentary service for which such "Documentary Fee" or "Documentary Charge" could be applied. The "Documentary Fee" or "Documentary Charge" shall represent a benefit of value to the consumer and there shall be a reasonable relationship between the fee or charge and the benefit conferred on the consumer. The seller in a consumer credit sale shall be able to demonstrate that there was a documentary service actually performed, that the documentary service was of value to the consumer, and that there was a reasonable relationship between the said fee or charge and the benefit conferred on the consumer.



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

FILED
1991 JUL -9 PM 2:02
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