

106 CSR 11

TITLE 106
LEGISLATIVE RULES
WEST VIRGINIA DIVISION OF BANKING

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 §46A-3-109(1)(f).

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

1.3. Filing Date. --

1.4. Effective Date. --

1.5. Repeal and Replace. -- 106 CSR 11.

SECTION 106-11-2. DOCUMENTARY FEE OR DOCUMENTARY CHARGE.

2.1. Benefit to Consumer. -- The "Documentary Fee" or "Documentary Charge" applies to a documentary service. The documentary service is limited to securing a title and services related to securing a title (documentary services does not include services that the seller is required by law to perform) actually provided to the consumer in a consumer credit sale. It is not mandatory for the seller to provide documentary services for which the "Documentary Fee" or "Documentary Charge" apply and the consumer has the option to accept the documentary service for which the "Documentary Fee" or "Documentary Charges" apply. The "Documentary Fee" or "Documentary Charge" must represent a benefit of value to the consumer and there must be a reasonable relationship between the fee of charge and the benefit conferred on the consumer. The seller in a consumer credit sale must 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 fee or charge and the benefit conferred upon the consumer.

Bill Banking, Permissible 106-11

H. B. 4262

(By Delegate Grubb)

(Introduced January 27, 1992; referred to the

Committee on ~~Banking and Insurance then the~~
Judiciary

A BILL to amend and reenact section two, article three, chapter
sixty-four of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, relating to authorizing the
division of banking to promulgate legislative rules relating
to permissible additional charges in connection with a
consumer credit sale.

Be it enacted by the Legislature of West Virginia:

That section two, article three, chapter sixty-four of the
code of West Virginia, one thousand nine hundred thirty-one, as
amended, be amended and reenacted, to read as follows:

ARTICLE 3. AUTHORIZATION FOR DEPARTMENT OF COMMERCE, LABOR AND
ENVIRONMENTAL RESOURCES TO PROMULGATE LEGISLATIVE RULES.

§64-3-2. Division of banking.

(a) The legislative rules filed in the state register on the
eleventh day of June, one thousand nine hundred eighty-two,

400

1 relating to commissioner of banking (communication terminals and
2 interchange systems), are authorized.

3 (b) The legislative rules filed in the state register on the
4 fifteenth day of December, one thousand nine hundred
5 eighty-three, relating to the commissioner of banking (consumer
6 credit sales), are authorized.

7 (c) The legislative rules filed in the state register on the
8 nineteenth day of August, one thousand nine hundred eighty-three,
9 relating to the commissioner of banking (legal lending limit),
10 are authorized.

11 (d) The legislative rules filed in the state register on the
12 seventh day of November, one thousand nine hundred eighty-six,
13 modified by the commissioner of banking to meet the objections of
14 the legislative rule-making review committee and refiled in the
15 state register on the eleventh day of December, one thousand nine
16 hundred eighty-six, relating to the commissioner of banking
17 (implementing the West Virginia community reinvestment act), are
18 authorized.

19 (e) The legislative rules filed in the state register on the
20 twenty-fifth day of October, one thousand nine hundred
21 eighty-eight, modified by the commissioner of banking to meet the
22 objections of the legislative rule-making review committee and
23 refiled in the state register on the seventh day of December, one
24 thousand nine hundred eighty-eight, relating to the commissioner

1 of banking (subsidiary bank holding the stock of its parent
2 company as collateral), are authorized.

3 (f) The legislative rules filed in the state register on the
4 ninth day of August, one thousand nine hundred ninety-one,
5 modified by the division of banking to meet the objections of the
6 legislative rule-making review committee and refiled in the state
7 register on the fifteenth day of November, one thousand nine
8 hundred ninety-one, relating to the division of banking
9 (permissible additional charges in connection with a consumer
10 credit sale), are authorized.

11
12 NOTE: The purpose of this bill is to authorize the Division
13 of Banking to promulgate legislative rules relating to
14 permissible additional charges in connection with a consumer
15 credit sale.

16
17 Strike-throughs indicate language that would be stricken from
18 the present law, and underscoring indicates new language that
19 would be added.



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(Plus all the volunteer
help we can get)

STATE OF WEST VIRGINIA

SECRETARY OF STATE

Building 1, Suite 157-K
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TO: Rick Lancianese

AGENCY: Banking

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: December 11, 1992

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: 11 TITLE: 106 Banking

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: Richard L. Lancianese

TITLE OF PERSON SIGNING: Deputy Commissioner / General Counsel

DATE: 12-15-92

* 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.