



WEST VIRGINIA SECRETARY OF STATE

MAC WARNER

ADMINISTRATIVE LAW DIVISION

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Office of West Virginia  
Secretary Of State

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED  
BY THE WEST VIRGINIA LEGISLATURE**

AGENCY: Treasurer TITLE-SERIES: 112-02  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: Substitute Checks-Exceptional Items Fund  
CITE STATUTORY AUTHORITY: §12-4-11

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) SB 334

Section §64-9-23 Passed On 3/12/2022 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 7, 2022

This rule shall terminate and have no further force or effect from the following date:

August 01, 2027

**BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.**

Yes

James G Fuerhoff -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

TITLE 112  
LEGISLATIVE RULE  
STATE TREASURER'S OFFICE

SERIES 2  
SUBSTITUTE CHECKS – EXCEPTIONAL ITEMS FUND

**§112-2-1. General.**

- 1.1. Scope. -- This rule implements the provisions of W. Va. Code §12-4-11.
- 1.2. Authority. – W. Va. Code §12-4-11.
- 1.3. Filing Date. – April 7, 2022
- 1.4. Effective Date. – April 7, 2022
- 1.5. Sunset Provision. – This rule shall terminate and have no further force or effect on August 1, 2027.

**§112-2-2. Definitions.**

2.1. "Agency" means and includes any department, board, commission, division, branch office, or other separate unit of State government, and any officer or employee of an agency, who or which collects moneys due the State.

2.2. "Financial institution" means a state or national bank or a state or federal savings and loan association.

2.3. "Auditor" means the West Virginia State Auditor or his or her designee.

2.4. "Substitute check" refers to the state check that is reissued after an original state check is cancelled.

2.5. "Treasurer" means the West Virginia State Treasurer or his or her designee.

**§112-2-3. Procedures for Substitute Checks**

3.1. An agency desiring to obtain a substitute check shall submit a request to the Treasurer.

3.2. When the Treasurer is notified that an originally issued state check is erroneous, lost, mutilated, stolen, destroyed, or involves forgery, or that payment is no longer required, the Treasurer shall issue a stop payment order to the financial institution on which the check was drawn.

3.3. If the financial institution honors the stop payment order, the Auditor and the Treasurer shall issue the substitute check on the account on which the original check was written.

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3.4. If the financial institution refuses to honor the stop payment order because the check has been presented and cashed, the Treasurer shall notify the agency of the refusal and shall send a copy of the paid check to the agency. The agency shall notify the payee that the check has already been paid. If the payee claims the check endorsement was forged, the payee shall furnish an affidavit in the form specified by the Treasurer to the agency, which shall submit the affidavit to the Treasurer. If the Treasurer finds the affidavit acceptable and upon completion of an investigation that finds the payee is not at fault, the Auditor and the Treasurer shall issue a replacement check on the account on which the original check was written.

3.5. The Treasurer may pursue claims arising out of stolen or forged state checks against any entity involved.