



WEST VIRGINIA SECRETARY OF STATE

KRIS 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: Financial Institutions Division of TITLE-SERIES: 106-07  
RULE TYPE: Legislative Amendment to Existing Rule: Yes Repeal of existing rule: No  
RULE NAME: Legislative Rule Pertaining to the Installation,  
Operation and Sharing of Customer Bank  
Communication Terminals and the Utilization of  
Nonexclusive Access Interchange System  
CITE STATUTORY AUTHORITY: W. Va. Code §31A-8-12b(f)

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

Authorization is cited in (house or senate bill number) House Bill 4245

Section §64-7-2 Passed On 3/14/2026 12:00:00 AM

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

May 1, 2026

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

August 01, 2031

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

Yes

**Dawn E Holstein -- 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 106  
LEGISLATIVE RULE  
DIVISION OF FINANCIAL INSTITUTIONS**

**SERIES 7  
LEGISLATIVE RULE PERTAINING TO THE INSTALLATION,  
OPERATION AND SHARING OF CUSTOMER BANK COMMUNICATION  
TERMINALS AND THE UTILIZATION OF NONEXCLUSIVE ACCESS  
INTERCHANGE SYSTEM**

**§106-7-1. General.**

1.1. Scope. -- This rule establishes general rules implementing W. Va. Code §31A-8-12b, which permits the installation, operation and sharing of customer bank communication terminals and the utilization of nonexclusive access interchange systems.

1.2. Authority. -- W. Va. Code §31A-8-12b(f).

1.3. Filing Date. -- April 7, 2026.

1.4. Effective Date. -- May 1, 2026.

1.5. Sunset Provision. -- This rule shall terminate and have no further force or effect upon August 1, 2031.

**§106-7-2. Sharing Customer Bank Communication Terminals.**

2.1. Mandatory sharing.

Pursuant to W. Va. Code §31A-8-12b(a)(1), any banking institution, which individually or jointly with one or more other banking institutions or other federally insured financial institutions, installs, operates and engages in banking business from a customer bank communication terminal in a location other than on the premises of its principal office, branch bank, or authorized off-premise facility, shall make such customer bank communication terminal available for use by other banking institutions on a nondiscriminatory basis. The fees and charges required to be paid by any banking institution which utilizes the customer bank communication terminal shall not exceed a pro rata share of the costs, determined in accordance with generally accepted accounting principles, of purchasing or leasing, installing, operating and maintaining the customer bank communication terminal, plus a reasonable rate of return on these costs to the owner or lessee of the customer bank communication terminal.

2.2. Permissive/nondiscriminatory sharing.

Pursuant to W. Va. Code §31A-8-12b(a)(2), any banking institution, which individually or jointly with one or more other banking institutions or other federally insured financial institutions, installs, operates and engages in banking business from a customer bank communication terminal may make such customer bank communication terminal available for use by other federally insured financial institutions on a nondiscriminatory basis. The charges to be paid by other federally insured financial institutions which utilize the customer bank communication terminal shall not exceed a pro rata share of the costs, determined in accordance with generally accepted accounting principles, of purchasing or leasing, operating and maintaining the customer bank communication terminal, plus a reasonable return on these costs to the owner

of the customer bank communication terminal.

2.3. Written agreement or contract.

The terms and conditions of a banking institution's or other federally insured financial institution's use of a customer bank communication terminal pursuant to sections 2.1 or 2.2 of these rules shall be governed by a written agreement or contract between the banking institution which installs, operates and engages in banking business from that customer bank communication terminal and the banking institution or other federally insured financial institution whose customers shall use that customer bank communication terminal. The written agreement or contract shall specify all terms and conditions and shall include the fees and charges for the use of the customer bank communication terminal.

**§106-7-3. Nonexclusive access interchange system.**

3.1. Access interchange system.

Any banking institution, which individually or jointly with one or more other banking institutions or other federally insured financial institutions, installs, operates and engages in banking business from a customer bank communication terminal, whether that customer bank communication terminal, is located on the premises of its principal office, branch bank or authorized off-premise facility or in a location other than on the premises of its principal office, branch bank or authorized off-premise facility, and makes that customer bank communication terminal available for use by another banking institution or other federally insured financial institution, has established an access interchange system for purposes of W. Va. Code §31A-8-12b(a).

3.2. Access interchange systems must be nonexclusive.

Any access interchange system established according to section 3.1 of this rule shall be nonexclusive. Any customer bank communication terminal that communicates with and permits financial transactions to be carried out through an exclusive access interchange system shall be considered to be an illegal branch bank of the banking institution that installs and operates that customer bank communication terminal.

3.3. Written agreement or contract required.

The terms and conditions for establishing any access interchange system shall be governed by a written agreement or contract. The written agreement or contract shall specify all terms and conditions and shall include the interchange fees or charges and the transaction fees or charges.

**§106-7-4. Night Depository Box Attached to a Customer Bank Communication Terminal.**

For purposes of W. Va. Code §31A-8-12b(c), any night depository box that is attached to a customer bank communication terminal in such a way that a customer electronically communicates with a banking institution is considered to be associated equipment of that customer bank communication terminal, and as such, subject to sections 2 and 3 of this rule and W. Va. Code §31A-8-12b(a).