

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding in Article 1 of Chapter 6 of Title 6.2 a section
3 numbered 6.2-603.1, relating to the authority of depository institutions to sponsor savings
4 promotions.

5 [S 737]

6 Approved

7 Be it enacted by the General Assembly of Virginia:

8 1. That the Code of Virginia is amended by adding in Article 1 of Chapter 6 of Title 6.2 a section
9 numbered 6.2-603.1 as follows:

10 § 6.2-603.1. *Savings promotions.*

11 A. As used in this section, unless the context requires a different meaning:

12 "Depository institution" means a bank, savings institution, or credit union that is subject to any
13 provision of this title and that offers savings accounts, share accounts, certificates of deposit, or other
14 savings products or programs.

15 "Nonqualifying account" means a savings account, share account, certificate of deposit, or other
16 savings product or program offered by a depository institution that is not a qualifying account.

17 "Qualifying account" means a savings account, share account, share certificate, or other savings
18 product or program offered by a depository institution through which depositors may obtain chances to
19 win prizes in a savings promotion.

20 "Savings promotion" means a contest or promotion sponsored by a depository institution in which a
21 chance of winning designated prizes is obtained by its depositors for the purposes of encouraging
22 depositors to build and maintain savings deposits.

23 B. Any depository institution may sponsor a savings promotion in accordance with the provisions of
24 this section, to the extent (i) the savings promotion is not prohibited by federal law or regulation and
25 (ii) the savings promotion complies with the following requirements:

26 1. Participants in the savings promotion shall not be required to provide any consideration in order
27 to obtain entries to win. For purposes of this subdivision, participants shall not be deemed to have
28 provided consideration due to the requirement that they deposit a specified amount of money for a
29 specified time period in a qualifying account in order to obtain entries to win, provided that:

30 a. The interest rate associated with any such qualifying account is not reduced when compared with
31 other comparable nonqualifying accounts offered by any depository institution, to account for the
32 possibility of depositors winning specified prizes; and

33 b. The depository institution does not charge a fee for participating in the savings promotion;

34 2. All fees charged in connection with a qualifying account shall be comparable with all fees
35 charged in connection with other comparable nonqualifying accounts, if any, offered by the depository
36 institution;

37 3. The savings promotion shall be conducted such that each entry in the savings promotion has an
38 equal chance of being drawn;

39 4. Participants in the savings promotion shall not be required to be present at a prize drawing in
40 order to win; and

41 5. The savings promotion is conducted in a manner that complies with the applicable requirements of
42 Chapter 31 (§ 59.1-415 et seq.) of Title 59.1.

43 C. For purposes of Article 1 (§ 18.2-325 et seq.) of Chapter 8 of Title 18.2, a savings promotion
44 offered in accordance with this section shall not constitute illegal gambling or otherwise be deemed to
45 entail the promotion of gambling or a lottery.