

~~(III) A TRUST COMPANY; OR~~

~~(IV) A COMPANY THAT SUBSTANTIALLY COMPETES WITH NATIONAL BANKS IN THE STATE.~~

~~(3) "BILLING ADDRESS" MEANS THE LOCATION INDICATED IN THE BOOKS AND RECORDS OF THE BANK OR TRUST COMPANY ON THE FIRST DAY OF THE TAXABLE YEAR (OR ON SUCH LATER DATE IN THE TAXABLE YEAR WHEN THE CUSTOMER RELATIONSHIP BEGAN) AS THE ADDRESS WHERE ANY NOTICE, STATEMENT AND/OR BILL RELATING TO A CUSTOMER'S ACCOUNT IS MAILED.~~

~~(4) "BORROWER OR CREDIT CARD HOLDER LOCATED IN THIS STATE" MEANS:~~

~~(I) A BORROWER, OTHER THAN A CREDIT CARD HOLDER, THAT IS ENGAGED IN A TRADE OR BUSINESS WHICH MAINTAINS ITS COMMERCIAL DOMICILE IN THIS STATE; OR~~

~~(II) A BORROWER THAT IS NOT ENGAGED IN A TRADE OR BUSINESS OR A CREDIT CARD HOLDER WHOSE BILLING ADDRESS IS IN THIS STATE.~~

~~(5) "COMMERCIAL DOMICILE" MEANS:~~

~~(I) THE HEADQUARTERS OF THE TRADE OR BUSINESS, THAT IS, THE PLACE FROM WHICH THE TRADE OR BUSINESS IS PRINCIPALLY MANAGED AND DIRECTED; OR~~

~~(II) IF A BANK OR TRUST COMPANY IS ORGANIZED UNDER THE LAWS OF A FOREIGN COUNTRY, OR OF THE COMMONWEALTH OF PUERTO RICO, OR ANY TERRITORY OR POSSESSION OF THE UNITED STATES, SUCH BANK OR TRUST COMPANY'S COMMERCIAL DOMICILE SHALL BE DEEMED FOR THE PURPOSES OF THIS ACT TO BE THE STATE OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA FROM WHICH SUCH BANK OR TRUST COMPANY'S TRADE OR BUSINESS IN THE UNITED STATES IS PRINCIPALLY MANAGED AND DIRECTED. IT SHALL BE PRESUMED, SUBJECT TO REBUTTAL, THAT THE LOCATION FROM WHICH THE BANK OR TRUST COMPANY'S TRADE OR BUSINESS IS PRINCIPALLY MANAGED AND DIRECTED IS THE STATE OF THE UNITED STATES OR THE DISTRICT OF COLUMBIA TO WHICH THE GREATEST NUMBER OF EMPLOYEES ARE REGULARLY CONNECTED OR OUT OF WHICH THEY ARE WORKING, IRRESPECTIVE OF WHERE THE SERVICES OF SUCH EMPLOYEES ARE PERFORMED, AS OF THE LAST DAY OF THE TAXABLE YEAR.~~

~~(6) "COMPENSATION" MEANS WAGES, SALARIES, COMMISSIONS AND ANY OTHER FORM OF REMUNERATION PAID TO EMPLOYEES FOR PERSONAL SERVICES THAT ARE INCLUDED IN SUCH EMPLOYEE'S GROSS INCOME UNDER THE INTERNAL REVENUE CODE. IN THE CASE OF EMPLOYEES NOT SUBJECT TO THE INTERNAL REVENUE CODE, THE DETERMINATION OF WHETHER SUCH PAYMENTS WOULD CONSTITUTE GROSS INCOME TO SUCH EMPLOYEES UNDER THE INTERNAL REVENUE CODE SHALL BE MADE AS THOUGH SUCH EMPLOYEES WERE SUBJECT TO THE INTERNAL REVENUE CODE.~~