

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED

SENATE BILL NO. 183

(By Mr. Taylor, of Kanawha)

PASSED March 9, 1965

In Effect Ninety days from Passage

FILED IN THE OFFICE OF
JOE F. BURDETT
SECRETARY OF STATE
THIS DATE 3-16-65

#183

ENROLLED

Senate Bill No. 183

(By MR. TAYLOR, OF KANAWHA)

[Passed March 9, 1965; in effect ninety days from passage.]

AN ACT to amend article five, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirty-one, relating to authority of the insurance commissioner to promulgate regulations governing the solicitation of proxies.

Be it enacted by the Legislature of West Virginia:

That article five, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section thirty-one, to read as follows:

Article 5. Organization and Procedures of Domestic Stock and Mutual Insurers.

Section 31. Proxies, Consents and Authorizations in

2 Respect of Any Voting Security Issued by a Domestic

3 Insurer.—(a) The commissioner may, by regulation, pre-

4 scribe the form, content and manner of solicitation of

5 any proxy, consent or authorization in respect of any

6 voting security issued by a domestic insurer as necessary

7 or appropriate in the public interest or for the proper

8 protection of investors in the voting securities issued by

9 such insurer, or to insure the fair dealing in such voting

10 securities.

11 (b) No person and no domestic insurer or any director,

12 officer or employee of such insurer shall solicit or permit

13 the use of his name to solicit, by mail or otherwise, any

14 person to give any proxy, consent or authorization in

15 respect of any voting security issued by such insurer in

16 contravention of any rule or regulation the commissioner

17 may prescribe pursuant to this section.

18 (c) Failure to comply with any rule or regulation of

19 the commissioner made pursuant to this section shall be

20 unlawful and any proxy or consent obtained in violation
21 of this section or in contravention of any rule or regula-
22 tion issued pursuant thereto shall be void. Any domestic
23 insurer or any person (who is legally entitled to vote,
24 consent or authorize by virtue of being the holder of
25 record of such a voting security) or the commissioner,
26 if any of the foregoing parties shall fail to act within
27 fifteen days after the date on which such vote was cast
28 or counted, may enforce compliance with the rules and
29 regulations made pursuant to this section, by appropriate
30 action in law or equity: *Provided*, That no suit shall be
31 brought more than thirty days after the date on which
32 such vote, consent or authorization was to have been
33 effected.

34 (d) None of the provisions of this section shall apply
35 to voting securities of a domestic insurer if such voting
36 securities shall be registered pursuant to section twelve
37 of the securities exchange act of one thousand nine
38 hundred thirty-four, as amended.

39 (e) The term "voting security" as used in this section
40 shall mean any instrument which, in law or by contract,

41 gives the holder the right to vote, consent or authorize

42 any corporate action of an insurer.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O. Roy Parker
Chairman Senate Committee

James W. Loop
Chairman House Committee

Originated in the Senate.

Takes effect *Ninety days from* Passage.

J. Thomas Meyer
Clerk of the Senate

O. A. Blankenship
Clerk of the House of Delegates

Howard W. Cannon
President of the Senate

H. Latham White
Speaker House of Delegates

The within *approved* this the *16*
day of *March*, 1965.

Street C. Smith
Governor



Presented to Gaudin's Office

Mar. 12, 1965

11:05 a.m.