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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989

— ● —

# ENROLLED

HOUSE BILL No 2391

(By Mr. Speaker, Mr. Chambers, & Del. R. Bush)  
[By Request of the Executive]

— ● —

Passed April 5 1989

In Effect Ninety Days from Passage

**ENROLLED**  
**H. B. 2391**

(By MR. SPEAKER, MR. CHAMBERS, AND DELEGATE R. BURK)  
[By Request of the Executive]

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[Passed April 5, 1989; in effect ninety days from passage.]

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AN ACT to amend chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article sixteen-b, relating to providing for a mechanism for approval or disapproval of premium rate charges for accident and sickness insurance policies; exceptions.

*Be it enacted by the Legislature of West Virginia:*

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

**ARTICLE 16B. ACCIDENT AND SICKNESS RATES.**

**§33-16B-1. Filing and approval of accident and sickness rates.**

1 Premium rate charges for any individual accident  
2 and sickness insurance policy or for any group accident  
3 and sickness insurance policy issued pursuant to this  
4 chapter shall be filed with the commissioner for a  
5 waiting period of sixty days before such charges become  
6 effective. At the expiration of such sixty days the  
7 premium rate charges so filed shall be deemed approved  
8 unless prior thereto the charges have been affirmatively  
9 approved or disapproved by the commissioner.

10 The commissioner shall disapprove accident and  
11 health insurance premium rates which are not in  
12 compliance with the requirements of this chapter or any  
13 rule promulgated by the commissioner pursuant to  
14 section two of this article. The commissioner shall send  
15 written notice of such disapproval to the insurer. The  
16 commissioner may approve the premium rates before  
17 the sixty-day period expires by giving written notice of  
18 approval.

**§33-16B-2. Ratemaking standards.**

1 Premium rates charged for any individual accident  
2 and health insurance policy or for any group accident  
3 and health insurance policy issued pursuant to this  
4 chapter shall be reasonable in relation to the benefits  
5 available under the policy. The commissioner shall  
6 promulgate rules pursuant to chapter twenty-nine-a to  
7 establish minimum ratemaking standards in accordance  
8 with accepted actuarial principles and practices.

**§33-16B-3. Exceptions.**

1 This article shall not apply to group accident and  
2 health insurance plans upon which premiums are  
3 negotiated with the individual policyholder and are  
4 based on the historic and projected loss experience of the  
5 group to be insured.

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

*Frederick L. Parker*  
Chairman Senate Committee

*Bernard V. Kelly*  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Judd C. Wells*  
Clerk of the Senate

*Donald J. Hogg*  
Clerk of the House of Delegates

*Sam O. Thurman*  
President of the Senate

*Robert C. Bell*  
Speaker of the House of Delegates

The within *is approved* this the *25th*  
day of *April*, 1989.  
*Easton Caperton*  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/14/89

Time 5:11