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OFFICE OF THE SECRETARY OF STATE  
WEST VIRGINIA

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2002



# ENROLLED

## House Bill No. 4465

(By Delegate Beane)



Passed March 8, 2002

In Effect Ninety Days from Passage

FILED

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**E N R O L L E D**

**H. B. 4465**

(BY DELEGATE BEANE)

[Passed March 8, 2002; in effect ninety days from passage.]

AN ACT to amend and reenact section four, article twenty-b, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to increasing the waiting period for rate filings for medical malpractice policies.

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

That section four, article twenty-b, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 20B. RATES AND MALPRACTICE INSURANCE POLICIES.**

**§33-20B-4. Disapproval of filings.**

- 1 (a) If within the waiting period or any extension thereof as
- 2 provided in subsection (b), section three of this article, the
- 3 commissioner finds that a filing does not meet the requirements
- 4 of this article, he or she shall send to the insurer or rating
- 5 organization which made the filing written notice of disap-
- 6 proval of the filing specifying therein in what respects he or she

7 finds the filing fails to meet the requirements of this article and  
8 stating that the filing shall not be effective. Within thirty days  
9 from the issuance of written notice of disapproval, any insurer  
10 or rating organization aggrieved by the disapproval of any filing  
11 may request a hearing pursuant to section thirteen, article two  
12 of this chapter.

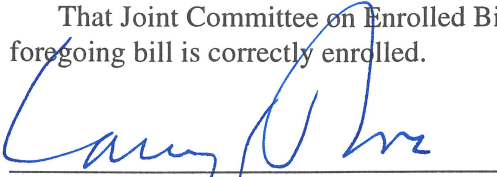
13 (b) If at any time subsequent to the waiting period or any  
14 extension thereof as provided in subsection (b), section three of  
15 this article, the commissioner finds that a filing does not meet  
16 the requirements of this article, he or she shall send to the  
17 insurer or rating organization which made the filing a written  
18 order specifying in what respect he or she finds that such filing  
19 fails to meet the requirements of this article and a date, not less  
20 than thirty days from the issuance of the order, when the filing  
21 shall be considered no longer effective. Within thirty days from  
22 the issuance of the order, any insurer or rating organization  
23 aggrieved by the order may request a hearing thereon pursuant  
24 to section thirteen, article two of this chapter. Any such order  
25 shall not affect any contract or policy made or issued prior to  
26 the expiration date set forth in the order.

27 (c) Any person or organization aggrieved by any filing  
28 which is in effect or the application thereof may request a  
29 hearing thereon pursuant to section thirteen, article two of this  
30 chapter. The insurer or rating organization which made the  
31 filing shall be notified in writing upon receipt of any request for  
32 hearing and thereby made a party to the hearing. Upon hearing,  
33 if the commissioner finds that the filing fails to meet the  
34 requirements of this article, he or she shall issue an order  
35 specifying in what respects he or she so finds and a date, not  
36 less than thirty days from the issuance of the order, when the  
37 filings shall be considered no longer effective.

38 (d) Within the initial ninety-day waiting period, the  
39 commissioner shall hold a public hearing upon every filing

40 which requests an increase in general rates of ten percent or  
41 more and upon every filing which, in the opinion of the  
42 commissioner, is of such import that it will affect the public.  
43 The insurer or rating organization which made the filing shall  
44 be notified in writing not less than fifteen days prior to the  
45 hearing date. Notice of the time, place and filing to be consid-  
46 ered shall be published as a Class II legal advertisement in  
47 every county in the state in accordance with article three,  
48 chapter fifty-nine of this code.

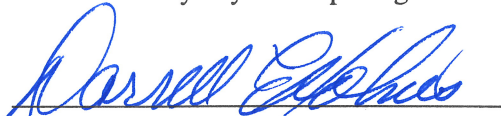
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
Chairman Senate Committee

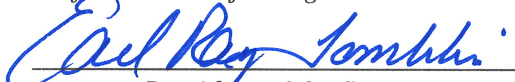
  
Chairman House Committee

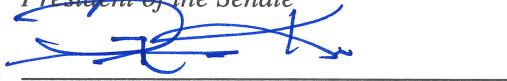
Originating in the House.

In effect ninety days from passage.

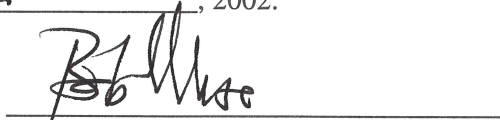
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 21<sup>st</sup>  
day of March, 2002.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/15/02

Time 5:10 pm