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**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1939**

**ENROLLED**

SENATE BILL No. 160

(By Mr. Wylie)

PASSED March 6, 1939

In Effect ninety days from Passage

JARRETT PRINTING COMPANY, CHARLESTON, W. VA.

*This re-enrolled copy received*

**WILLIAM S. O'BRIEN**  
**SECRETARY OF STATE**

160

# ENROLLED

## Senate Bill No. 160

(BY MR. WYLIE)

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[Passed March 6, 1939; 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, relating to insurance and annuity contracts, by adding thereto article twelve, relating to burial insurance.

*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, relating to insurance and annuity contracts, be amended by adding thereto article twelve, to read as follows:

### **Article XII. Burial Insurance.**

Section 1. *Burial Insurance Defined.*—"Burial insurance"

2 as used in this article includes any kind of agreement, policy,  
3 contract, bond, assurance, guarantee or other arrangement,  
4 by by-law, regulation or otherwise, in or by which an insurer  
5 agrees to pay for any or all of the incidents of the burial  
6 of the body of a named or designated person.

Sec. 2. *Qualification to Do Burial Insurance Business.*—

2 Before engaging in the business of burial insurance any  
3 person, association or corporation desiring so to do shall  
4 comply with all the provisions of the laws of this state  
5 governing the organization, qualification and conduct of life  
6 insurance companies.

Sec. 3. *Compliance by Those Now Engaged.*—In order to

2 continue in the business of burial insurance any person,  
3 association or corporation now engaged therein, shall com-  
4 ply with the provisions of this article on or before July 1, 1940.

Sec. 4. *Payment of Benefits in Cash.*—All burial insurance

2 benefits shall be paid in cash to the beneficiary. No person,  
3 association or corporation engaged in the business of burial  
4 insurance shall contract to pay or pay such insurance or its  
5 benefits or any part of either, to any official undertaker or

6 to any designated undertaker or undertaking concern or to  
7 any particular tradesman or business man.

Sec. 5. *Penalty for Violation of Article.*—Any person, as-  
2 sociation or corporation violating any provision of this  
3 article shall be guilty of a misdemeanor and, upon conviction,  
4 shall be punished by a fine of not less than twenty dollars,  
5 nor more than fifty dollars, for each and every day that such  
6 violation continues.

Sec. 6. *Exemptions.*—This article shall not apply to fra-  
2 ternal benefit societies operating on the lodge system or to  
3 any organization of employees under a common employer.

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

*E. O. Wiseman*

Chairman Senate Committee

*Roll A. Walker*

Chairman House Committee

Originated in the

*Senate*

Takes effect

*ninety days from*

passage

*Charles D. Pringle*

Clerk of the Senate

*W. S. Stace*

Clerk of the House of Delegates

*Wm. M. Patton*

President of the Senate

*James C. Thomas*

Speaker House of Delegates

The within

*approval*

this the

*13<sup>th</sup>*

day of

*March*

, 1939.

*Thomas C. ...*

Governor

*Main recorded copy recorded.*  
*Feb*