WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1941

ENROLLED

SENATE BILL No. 24

(By Mr. Johnston, by request)

PASSED February 20, 1941

In Effect ninety days from Passage
AN ACT to amend and reenact section four, article thirteen, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as enacted by chapter seventy, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, relating to specified standard provisions of group and family expense accident and health insurance policies.

Be it enacted by the Legislature of West Virginia:

That section four, article thirteen, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-
one, as enacted by chapter seventy, acts of the Legislature, regular session, one thousand nine hundred thirty-nine, be amended and reenacted so as to read as follows:


(1) No policy of group accident or group health or group accident and health insurance and no certificate thereunder, shall be issued or delivered in this state unless the master policy contains in substance the provisions specified in paragraphs (a) to (o) following:

(a) A provision that no statement made by the applicant or applicants for insurance shall void the insurance or reduce benefits thereunder unless contained in the written application signed by the applicant; and a provision that no agent has authority to change the policy or to waive any of its provisions and that no change in the policy shall be valid unless approved by an officer of the insurer and evidenced by endorsement on the policy;

(b) A provision that all statements contained in any such application shall, in the absence of fraud, be deemed representations and not warranties;
(c) A provision that all new employees of the employer or all new members of the organization, as the case may be, in the groups or classes eligible for insurance must from time to time be added to such groups or classes eligible for insurance;

(d) A provision that the insurer will issue to the employer or other person or organization in whose name such policy is issued, for delivery to each member of the insured group, an individual certificate setting forth in summary form a statement of the essential features of the insurance coverage of such employee or such member, to whom benefits thereunder are payable, and such additional information as the nature of the coverage justly requires;

(e) A provision to the effect that the insurability of any member of the insured group does not cease to exist or terminate, by reason of age alone, until such member has attained the age of sixty-five years;

(f) A provision stating the conditions under which the insurer may decline to renew the policy;

(g) A provision specifying the ages, if any there be,
to which the insurance provided therein shall be limited;

the ages, if any there be, for which additional restrictions are placed on benefits, and the additional restrictions placed on the benefits at such ages;

(h) A provision that written notice of sickness or of injury must be given to the insurer within twenty days after the date such sickness or injury occurred. Failure to give notice within such time shall not invalidate nor reduce any claim if it shall be shown not to have been reasonably possible to give such notice and that notice was given as soon as was reasonably possible;

(i) A provision that in the case of claim for loss of time from disability, written proof of such loss must be furnished to the insurer within thirty days after the commencement of the period for which the insurer is liable, and that subsequent written proofs of the continuance of such disability must be furnished to the insurer at such intervals as the insurer may reasonably require, and that in the case of claim for any other loss, written proof of such loss must be furnished to the insurer within ninety days after the date of such loss. Failure to furnish
such proof within such time shall not invalidate nor
reduce any claim if it shall be shown not to have been
reasonably possible to furnish such proof and that such
proof was furnished as soon as was reasonably pos-
sible;

(j) A provision that the insurer will furnish to the
policyholder such forms as are usually furnished by it
for filing proof of loss. If such forms are not furnished
before the expiration of fifteen days after the insurer
receives notice of any claim under the policy, the person
making such claim shall be deemed to have complied with
the requirements of the policy as to proof of loss upon
submitting within the time fixed in the policy for filing
proof of loss, written proof covering the occurrence,
character and extent of the loss for which claim is
made;

(k) A provision that the insurer shall have the right
and opportunity to examine the person of the insured
when and so often as it may reasonably require during
the pendency of claim under the policy and also the
right and opportunity to make an autopsy in case of death where it is not prohibited by law;

(1) A provision that all benefits payable under the policy other than benefits for loss of time will be payable not more than sixty days after receipt of proof, and that, subject to due proof of loss, all accrued benefits payable under the policy for loss of time will be paid not later than at the expiration of each period of thirty days during the continuance of the period for which the insurer is liable, and that any balance remaining unpaid at the termination of such period will be paid immediately upon receipt of such proof;

(m) In any master policy providing benefits payable after death, a provision shall be contained in each certificate issued thereunder that an employee or member insured may designate a beneficiary; and change his designation of beneficiary by written request filed with the insurer; provided, however, that this requirement shall not apply to group volunteer fire department policies and other similar forms of group insurance where the premium
is payable annually in advance and such forms have been approved by the insurance commissioner;

(n) A provision that no action at law or in equity shall be brought to recover on the policy prior to the expiration of sixty days after proof of loss has been filed in accordance with the requirements of the policy and that no such action shall be brought at all unless brought within two years from the expiration of the time within which proof of loss is required by the policy;

(o) A provision that if any time limitation in the policy with respect to giving notice of claim or furnishing proof of loss or bringing action on the policy is less than that permitted by the laws governing the question of such limitation, such limitation is extended to agree with the minimum period permitted by such laws.

(2) No policy of group accident, or group health or group accident and health insurance and no certificate thereunder, shall be issued or delivered in this state, if such policy or certificate contains any provision inconsistent with any of the provisions of this section, except
120 that the Commissioner may approve any provision in any
121 such policy or certificate which in his opinion is more
122 favorable to policyholders or certificateholders than the
123 provision herein prescribed.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

C. H. W. Kown
Chairman Senate Committee

Sean Rice
Chairman House Committee

Originated in the Senate

Takes effect ninety days from passage

A. Hale Walking
Clerk of the Senate

J. R. Allif
Clerk of the House of Delegates

Byron B. Ransdell
President of the Senate

Malcolm R. Arnold
Speaker House of Delegates

The within approved this the 14th
day of March, 1941.

Matthew Neely
Governor.

Filed in the office of the Secretary of State
of West Virginia. MAR 17, 1941

Wm. S. O'Brien,
Secretary of State
March 14, 1941

Dear Miss Huyett:

The Governor received Enrolled Senate Bill No. 29 on February 26, 1941.

In line six of the title of this bill, the word "provisions" was omitted in printing. The bill has been reprinted correctly, and we are sending four copies of same to you.

I am suggesting that if the original bill has been filed in the office of the Secretary of State and if it meets with the approval of the Governor, that he also approve this bill and place a notation on same to the effect that the corrected bill has been received by him, and also file the corrected bill in the office of the Secretary of State.

In case the bill has not been filed in the Secretary of State's office, then we would like to withdraw the former copies and substitute the correct ones.

Sincerely yours,

Oshel C. Parsons