

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1943

ENROLLED

SENATE BILL No. 141

(By Mr. Hardisty)

PASSED March 12 1943

In Effect Twenty days from Passage



141

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Senate Bill No. 141

(BY MR. HARDESTY)

[Passed March 12, 1943; in effect ninety days from passage]

AN ACT to amend and reenact section ten, article eleven, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; to repeal section twenty of said article; to add three new sections to said article to be known as sections twenty, twenty-one, and twenty-two, relating to policies of accident and health insurance.

Be it enacted by the Legislature of West Virginia:

That section twenty, article eleven, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended by chapter fifty-six, acts of the Legislature,

regular session, one thousand nine hundred thirty-five, be repealed; that section ten, article eleven, chapter thirty-three of the code as amended as aforesaid, be amended and reenacted; that three new sections to be known as sections twenty, twenty-one and twenty-two be added to article eleven of chapter thirty-three of the code as amended as aforesaid, to read as follows:

Section 10. *What Policy to State; Size of Type.* No such
2 policy shall be issued or delivered, except subject to the
3 following conditions: (a) Unless the entire money and
4 other consideration therefor be expressed in the policy;
5 nor (b) unless the time at which the insurance there-
6 under takes effect and terminates be stated in a portion
7 of the policy preceding its execution by the insurer; nor
8 (c) if the policy purports to insure more than one person,
9 except as provided in section twenty of this article; nor
10 (d) unless every printed portion thereof and of any en-
11 dorsements or attached papers shall be plainly printed
12 in type of which the face shall be not smaller than ten
13 point; nor (e) unless a brief description thereof be printed
14 on its first page and on its filing back in type of which

15 the face shall be not smaller than fourteen point; nor
16 (f) unless the exceptions of the policy be printed with
17 the same prominence as the benefits to which they apply;
18 nor (g) unless any portion of such policy which pur-
19 ports, by reason of the circumstances under which a loss
20 is incurred, to reduce any indemnity promised therein to
21 an amount less than that provided for the same loss
22 occurring under ordinary circumstances shall be printed
23 in bold face type and with greater prominence than any
24 other portion of the text of the policy.

Sec. 20. *Family Expense Accident and Health Insurance.*

2 Any policy of accident or health insurance or of accident
3 and health insurance issued to the head of a family (in
4 this section called the policyholder) may provide, in
5 addition to such other indemnities, if any, as are provided
6 in the policy on account of sickness or bodily injury or
7 death of the policyholder by accident, for the payment of
8 benefits or reimbursement for expenses with respect to
9 any one or more of the following contingencies: Hos-
10 pitalization, nursing care, medical or surgical examina-
11 tion or treatment, or ambulance transportation of the

12 policyholder or of the spouse of the policyholder or of a
13 child or children of the policyholder or of dependents
14 living with the policyholder.

Sec. 21. Hospitalization and Medical Expense Policies;

2 *Required and Prohibited Provisions.* (a) Every policy
3 hereafter issued for delivery in this state providing
4 benefits as authorized by section twenty of this article,
5 and every policy of accident insurance or health insur-
6 ance or of accident and health insurance hereafter issued
7 for delivery in this state and insuring only one person,
8 under which the only payments provided are the pay-
9 ment of benefits or reimbursement for expenses with
10 respect to hospitalization, nursing care, medical or surgi-
11 cal examination or treatment, or ambulance transporta-
12 tion, shall contain the standard provisions required by
13 subsections (a), (b), (c), (e), (f), (l) and (n) of section
14 eleven of this article. Every such policy shall contain
15 Form (A) of the standard provision required by sub-
16 section (g) of said section, and Form (A) of the stand-
17 ard provision required by subsection (i) of said section,

18 and Form (B) of the standard provision required by
19 subsection (k) of said section.

20 (b) Every such policy shall also contain in substance
21 the following additional provisions, or a provision which
22 in the opinion of the commissioner is more favorable to
23 policyholders:

24 A provision that written notice of claim for benefits
25 under the policy must be given the insurer within sixty
26 days after the date of the loss for which claim is made.

27 (c) Every such policy under which the premiums are
28 paid monthly shall also contain in substance the following
29 additional provision or a provision which in the opinion
30 of the commissioner is more favorable to policyholders:

31 A provision that the insured is entitled to a grace period
32 of ten days within which the payment of any premium
33 after the first may be made, during which period of grace
34 the policy shall continue in full force.

35 (d) The standard provision required by subsection (d)
36 of said section eleven shall be omitted from any such
37 policy and those required by subsections (h), (j), (m)

38 and (o) of said section eleven may be omitted from any
39 such policy.

40 (e) Every policy hereafter issued for delivery in this
41 state providing benefits as authorized by section twenty
42 of this article and every policy of accident insurance or
43 health insurance or of accident and health insurance here-
44 after issued for delivery in this state and insuring only one
45 person, which provides other benefits as well as benefits
46 or reimbursement for expenses with respect to hospital-
47 ization, nursing care, medical or surgical examination or
48 treatment, or ambulance transportation, shall contain the
49 standard provisions of section eleven of this article. All
50 such policies under which the premiums are paid monthly
51 shall also contain, in substance, the additional provision
52 set forth in subsection (c) of this section. If, in the
53 opinion of the insurance commissioner, the principal
54 benefits of such policy are the payment of benefits or
55 reimbursement for expenses with respect to hospitaliza-
56 tion, nursing care, medical or surgical examination or
57 treatment, or ambulance transportation, they shall con-
58 tain, at least with respect to such benefits or reimburse-

59 ment, the additional provision set forth in subsection (b)
60 of this section, in lieu of the standard provision required
61 by subsection (d) of said section eleven. If such addi-
62 tional provision is contained in a rider or endorsement
63 on the policy, reference thereto shall be stamped or
64 printed over, or in the margin beside the standard pro-
65 vision required by said subsection (d) of said section
66 eleven.

67 (f) No policy hereafter issued for delivery in this state
68 which provides, with or without other benefits, for the
69 payment of benefits or reimbursement for expenses with
70 respect to hospitalization, nursing care, medical or surgi-
71 cal examination or treatment, or ambulance transporta-
72 tion shall contain any provision for a reduction of such
73 benefit or reimbursement, or any provision for avoidance
74 of the policy, on account of other insurance of such nature
75 carried by the same insured with the same or another
76 insurer. The insurance commissioner may disapprove any
77 such policy if it contains any provision which, in his
78 opinion, is less favorable to the policyholder than any

79 provision required by this article relating to the same
80 subject.

Sec. 22. *Application of Article.* (a) Nothing in this
2 article, however, shall apply to or affect any policy of
3 liability or workmen's compensation insurance or any
4 policy of insurance on which the premiums are payable
5 weekly.

6 (b) Nothing in this article shall apply to or affect any
7 policy of insurer issued in accordance with article thirteen
8 of this chapter, except as provided in said article thirteen.

9 (c) Nothing in this article shall apply to nor in any
10 way affect life insurance, endowment or annuity contracts
11 or contracts supplemental thereto which contain no pro-
12 visions relating to accident or health insurance except
13 (i) such as provide additional benefits in case of death
14 by accidental means, and except (ii) such as operate to
15 safeguard such contracts against lapse, or to give a special
16 surrender value, or special benefit, or an annuity, in the
17 event that the insured or annuitant shall become totally
18 and permanently disabled as defined by the contract or
19 supplemental contract.

20 (d) Nothing in this article shall apply to or in any
21 way affect fraternal benefit societies.

22 (e) The provisions of this article contained in clause (e)
23 of section ten and in clauses (b), (c), (h) and (i) of sec-
24 tion eleven may be omitted from transportation ticket
25 policies.

26 Notwithstanding anything in this act to the contrary, all
27 policy forms, riders or endorsements, providing for acci-
28 dent insurance, health insurance or accident and health
29 insurance heretofore approved by the insurance commis-
30 sioner may continue to be issued for delivery in this state
31 until October first, 1943, but no such policy form, rider
32 or endorsement may thereafter be issued for delivery in
33 this state unless, subsequent to the effective date of this
34 act, it has been filed with the insurance commissioner
35 in accordance with section nine of article eleven or section
36 two of article thirteen as amended, whichever is ap-
37 plicable.

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

Ray F. Jivison
Chairman Senate Committee

Seed L. Petroff
Chairman House Committee

Originated in the Senate

Takes effect unity day from passage

Fred B. Walker
Clerk of the Senate

J. Atchiff
Clerk of the House of Delegates

James Paull
President of the Senate

John E. Amos
Speaker House of Delegates

The within approved this the 19th
day of March, 1943.

Matthew Updey
Governor.



Filed in the office of the Secretary of State
of West Virginia **MAR 19 1943**
Wm. S. O'BRIEN,
Secretary of State