WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1943

ENROLLED

SENATE BILL No. 141

(By Mr. Hardisty)

PASSED March 15, 1943

In Effect ninety days from Passage
ENROLLED

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 re¬
pealed; 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
policy shall be issued or delivered, except subject to the
following conditions: (a) Unless the entire money and
other consideration therefor be expressed in the policy;
nor (b) unless the time at which the insurance there-
der takes effect and terminates be stated in a portion
of the policy preceding its execution by the insurer; nor
(c) if the policy purports to insure more than one person,
except as provided in section twenty of this article; nor
(d) unless every printed portion thereof and of any en-
dorsements or attached papers shall be plainly printed
in type of which the face shall be not smaller than ten
point; nor (e) unless a brief description thereof be printed
on its first page and on its filing back in type of which
the face shall be not smaller than fourteen point; nor
(f) unless the exceptions of the policy be printed with
the same prominence as the benefits to which they apply;
nor (g) unless any portion of such policy which pur-
ports, by reason of the circumstances under which a loss
is incurred, to reduce any indemnity promised therein to
an amount less than that provided for the same loss
occurring under ordinary circumstances shall be printed
in bold face type and with greater prominence than any
other portion of the text of the policy.

Sec. 20. Family Expense Accident and Health Insurance.

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

Sec. 21. *Hospitalization and Medical Expense Policies; Required and Prohibited Provisions.* (a) Every policy hereafter issued for delivery in this state providing benefits as authorized by section twenty of this article, and every policy of accident insurance or health insurance or of accident and health insurance hereafter issued for delivery in this state and insuring only one person, under which the only payments provided are the payment of benefits or reimbursement for expenses with respect to hospitalization, nursing care, medical or surgical examination or treatment, or ambulance transportation, shall contain the standard provisions required by subsections (a), (b), (c), (e), (f), (l) and (n) of section eleven of this article. Every such policy shall contain Form (A) of the standard provision required by subsection (g) of said section, and Form (A) of the standard provision required by subsection (i) of said section,
(b) Every such policy shall also contain in substance the following additional provisions, or a provision which in the opinion of the commissioner is more favorable to policyholders:

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

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

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

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

(e) Every policy hereafter issued for delivery in this state providing benefits as authorized by section twenty of this article and every policy of accident insurance or health insurance or of accident and health insurance hereafter issued for delivery in this state and insuring only one person, which provides other benefits as well as benefits or reimbursement for expenses with respect to hospitalization, nursing care, medical or surgical examination or treatment, or ambulance transportation, shall contain the standard provisions of section eleven of this article. All such policies under which the premiums are paid monthly shall also contain, in substance, the additional provision set forth in subsection (c) of this section. If, in the opinion of the insurance commissioner, the principal benefits of such policy are the payment of benefits or reimbursement for expenses with respect to hospitalization, nursing care, medical or surgical examination or treatment, or ambulance transportation, they shall contain, at least with respect to such benefits or reimburse-
ment, the additional provision set forth in subsection (b) of this section, in lieu of the standard provision required by subsection (d) of said section eleven. If such additional provision is contained in a rider or endorsement on the policy, reference thereto shall be stamped or printed over, or in the margin beside the standard provision required by said subsection (d) of said section eleven.

(f) No policy hereafter issued for delivery in this state which provides, with or without other benefits, for the payment of benefits or reimbursement for expenses with respect to hospitalization, nursing care, medical or surgical examination or treatment, or ambulance transportation shall contain any provision for a reduction of such benefit or reimbursement, or any provision for avoidance of the policy, on account of other insurance of such nature carried by the same insured with the same or another insurer. The insurance commissioner may disapprove any such policy if it contains any provision which, in his opinion, is less favorable to the policyholder than any
provision required by this article relating to the same
subject.

Sec. 22. Application of Article. (a) Nothing in this
article, however, shall apply to or affect any policy of
liability or workmen's compensation insurance or any
policy of insurance on which the premiums are payable
weekly.
(b) Nothing in this article shall apply to or affect any
policy of insurer issued in accordance with article thirteen
of this chapter, except as provided in said article thirteen.
(c) Nothing in this article shall apply to nor in any
way affect life insurance, endowment or annuity contracts
or contracts supplemental thereto which contain no pro-
visions relating to accident or health insurance except
(i) such as provide additional benefits in case of death
by accidental means, and except (ii) such as operate to
safeguard such contracts against lapse, or to give a special
surrender value, or special benefit, or an annuity, in the
event that the insured or annuitant shall become totally
and permanently disabled as defined by the contract or
supplemental contract.
(d) Nothing in this article shall apply to or in any way affect fraternal benefit societies.

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

Notwithstanding anything in this act to the contrary, all policy forms, riders or endorsements, providing for accident insurance, health insurance or accident and health insurance heretofore approved by the insurance commissioner may continue to be issued for delivery in this state until October first, 1943, but no such policy form, rider or endorsement may thereafter be issued for delivery in this state unless, subsequent to the effective date of this act, it has been filed with the insurance commissioner in accordance with section nine of article eleven or section two of article thirteen as amended, whichever is applicable.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate

Takes effect from the passage

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor

Filed in the office of the Secretary of State of West Virginia MAR 19 1943

Win. S. O'Brien, Secretary of State