

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1949



ENROLLED

HOUSE BILL No. 215

(By Mr. Morgan)



PASSED February 24 1949

In Effect Ninety days from Passage



215

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House Bill No. 215

(By MR. MORGAN)

[Passed February 24, 1949; in effect ninety days from passage.]

AN ACT to amend and reenact section eighteen, article four, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to rate deviations.

Be it enacted by the Legislature of West Virginia:

That section eighteen, article four, 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:

Section 18. *Deviations; Judicial Review.*—Every member of or subscriber to a rating organization shall adhere to the filings made on its behalf by such organization except that any such insurer may make written application to the commissioner for permission to file a deviation from the class rates, schedules, rating plans or rules re-

7 specting any kind of insurance, or class of risk within a
8 kind of insurance, or combination thereof. Such applica-
9 tion shall specify the basis for the modification and a copy
10 thereof shall also be sent simultaneously to such rating
11 organization. The commissioner shall set a time and place
12 for a hearing at which the insurer and such rating organ-
13 ization may be heard and shall give them not less than
14 ten days' written notice thereof. In the event the com-
15 missioner is advised by the rating organization that it
16 does not desire a hearing he may, upon the consent of
17 the applicant, waive such hearing. In considering the
18 application for permission to file such deviation the
19 commissioner shall give consideration to the available
20 statistics and the principles for rate making as provided
21 in chapter thirty-three, article four-a, section three. The
22 commissioner shall issue an order permitting the devia-
23 tion for such insurer to be filed if he finds it to be justified
24 and it shall thereupon become effective. He shall issue
25 an order denying such application if he finds that the
26 resulting premiums would be excessive, inadequate or
27 unfairly discriminatory. Each deviation permitted to be

28 filed shall be effective for a period of one year from the
29 date of such permission unless terminated sooner with
30 the approval of the commissioner. Judicial review of the
31 commissioner's action respecting any deviation may be
32 had by any party, as provided in chapter thirty-three, ar-
33 ticle four-a, section seventeen.

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

Frank L. Warner

Chairman Senate Committee

W. M. Matthews

Chairman House Committee

Originated in the House of Delegates

Takes effect *thirty days from* passage.

Howard Myers

Clerk of the Senate

J. A. Cliff

Clerk of the House of Delegates

W. B. Hunter

President of the Senate

W. E. Shuman

Speaker House of Delegates

The within *approved* this the *4th*

day of *MARCH*, 1949.

Okey L. Patton

Governor



Filed in the Office of the Secretary of State
of West Virginia

MAR 7 1949
D. PITT O'BRIEN
SECRETARY OF STATE