

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955



ENROLLED

HOUSE BILL No. 393

(By Mr. Andrews)



PASSED March 11 1955

In Effect ninety days from Passage



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

MAR 17 1955

D. PITT GIBSON
SECRETARY OF STATE

ENROLLED

House Bill No. 393

(By MR. ANDREWS)

[Passed March 11, 1955; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article thirteen, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relative to group accident and health insurance.

Be it enacted by the Legislature of West Virginia:

That section one, article thirteen, 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 1. *Companies Which May Write Group Accident and Health Insurance; Policy Classifications; Definitions.*—Any insurer authorized to do the business of accident and health insurance in this state may issue group policies insuring against bodily injury or death caused by accident or accidental means, or against sickness or both, coming within any of the following classifications:

8 (a) A policy issued to an employer, who shall be
9 deemed the policyholder, insuring at least ten employees
10 of such employer, for the benefit of persons other than
11 the employer, and conforming to the following require-
12 ments:

13 (1) If the premium is paid by the employer the group
14 shall comprise all employees or all of any class or classes
15 thereof determined by conditions pertaining to the em-
16 ployment, or

17 (2) If the premium is paid by the employer and em-
18 ployees jointly, or by the employees, the group shall
19 comprise not less than seventy per cent of all employees
20 of the employer or not less than seventy-five per cent
21 of all employees of any class or classes thereof determined
22 by conditions pertaining to the employment;

23 (b) A policy issued to an association which has a con-
24 stitution and by-laws and which has been organized and
25 is maintained in good faith for purposes other than that
26 of obtaining insurance, insuring at least ten members of
27 the association for the benefit of persons other than the
28 association or its officers or trustees, as such;

29 (c) A policy issued to a college, school or other insti-
30 tution of learning or to the head or principal thereof,
31 insuring students, or students and employees, of such
32 institution;

33 (d) A policy issued to or in the name of any volunteer
34 fire department, insuring all of the members of such
35 department or all of any class or classes thereof against
36 any one or more of the hazards to which they are exposed
37 by reason of such membership.

38 (e) A policy issued to any person or organization to
39 which a policy of group life insurance may be issued or
40 delivered in this state, to insure any class or classes of
41 individuals that could be insured under such group life
42 policy.

43 The term "employee" as used herein shall be deemed
44 to include the officers, managers, and employees of the
45 employer, the partners, if the employer is a partnership,
46 the officers, managers, and employees of subsidiary or
47 affiliated corporations of a corporation employer, and the
48 individual proprietors, partners and employees of indi-
49 viduals and firms, the business of which is controlled by

50 the insured employer through stock ownership, contract,
51 or otherwise. The term "employer" as used herein may
52 be deemed to include any municipal or governmental
53 corporation, unit, agency or department thereof and the
54 proper officers, as such, of any unincorporated munici-
55 pality or department thereof, as well as private indi-
56 viduals, partnerships and corporations.

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

Alvin C. ...
Chairman Senate Committee

W. B. ...
Chairman House Committee

Originated in the House of Delegates

Takes effect *ninety days from* passage.

Samuel ...
Clerk of the Senate

A. Blankenship
Clerk of the House of Delegates

Ralph Bean
President of the Senate

W. E. Flammery
Speaker House of Delegates

The within *approved* this the *16*
day of *March*, 1955.

William C. Marland
Governor

Filed In the Office of the Secretary of State
of West Virginia **MAR 17 1955**
D. PITT O'BRIEN
SECRETARY OF STATE