

Corrected Copy  
see letter  
inside.

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1955

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ENROLLED

SENATE BILL NO. 87

(By Mr. Smart)

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PASSED February 24 1955

In Effect July four Passage

MAR 11 1955

U. PITT O'BRIEN  
SECRETARY OF STATE

**ENROLLED**

**Senate Bill No. 87**

(By MR. AMOS)

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(By request of the State Insurance Commissioner)

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[Passed February 24, 1955; in effect ninety days from passage.]

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AN ACT to amend and reenact section four, article seven, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the revocation of licenses to provide a penalty in lieu of revocation of license.

*Be it enacted by the Legislature of West Virginia:*

That section four, article seven, 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 4. *Revocation of Licenses.* — Whenever the insurance commissioner upon investigation is satisfied that any agent, solicitor or broker acting under his super-

4 vision and holding a certificate of authority from him is  
5 violating or has violated any provision of this chapter, or  
6 that he is incompetent or untrustworthy, he shall pro-  
7 ceed to revoke the certificate, or license, of such agent,  
8 solicitor or broker. Whenever the insurance commissioner  
9 shall proceed to revoke such license, or certificate, whether  
10 for the reasons aforesaid or in pursuance of any other pro-  
11 vision or provisions of this chapter, he shall first notify such  
12 person of his findings and state in writing the complaint  
13 against him and require such person, on a date named,  
14 which date shall not be less than thirty days after service  
15 of notice, to show cause why his license should not be re-  
16 voked. On the date stated in such notice, the insurance  
17 commissioner shall proceed to a hearing and decision in the  
18 manner provided in section thirteen of article two of this  
19 chapter, and if such person does not present good and suf-  
20 ficient reasons why his authority to transact business in  
21 this state should not be revoked, the commissioner may  
22 revoke such person's license, or certificate of authority.  
23 The insurance commissioner, in lieu of revoking or sus-  
24 pending the license of a licensee in accordance with the

25 provisions of this article, may by order, require the  
26 licensee to pay to the state of West Virginia a penalty  
27 in a sum not exceeding one hundred dollars, and upon  
28 the failure of such licensee to pay such penalty within  
29 thirty days after the mailing of such order, postage pre-  
30 paid, registered, and addressed to the last known place  
31 of business of such licensee, unless such order is stayed  
32 by an order of a court of competent jurisdiction, the  
33 insurance commissioner may revoke the license of such  
34 licensee or may suspend the same for such period as he  
35 may determine.

36 Any person whose license has been revoked or sus-  
37 pended or who has been ordered to pay a penalty under  
38 the provisions of this section may contest the decision  
39 and findings in the manner prescribed in section thirteen,  
40 article two of this chapter: *Provided, however,* That  
41 nothing contained in this section shall be taken or con-  
42 strued as preventing any such agent, solicitor or broker  
43 from doing business under the authority of such license,  
44 or certificate, during the pendency of any proceeding  
45 taken to contest and review an adverse decision of the  
46 insurance commissioner.

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

*[Signature]*  
 Chairman Senate Committee

*[Signature]*  
 Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

*[Signature]*  
 Clerk of the Senate

*[Signature]*  
 Clerk of the House of Delegates

*[Signature]*  
 President of the Senate

*[Signature]*  
 Speaker House of Delegates

The within approved this the 10  
 day of March, 1955.

*[Signature]*  
 Governor.



Filed in the Office of the Secretary of State  
 of West Virginia. **MAR 11 1955**  
 D. PITT O'BRIEN  
 SECRETARY OF STATE

**March 8, 1955**

**Honorable William C. Marland  
Governor of the State of West Virginia**

**Dear Governor Marland:**

**Because of a printing error Enrolled Senate Bill No. 87, presented to you on March 1, 1955, and approved by you on the same date, is not the bill as passed by the two Houses of the Legislature.**

**Due to a printing error in the bill presented to you, line 27 on page three, read as follows: "in a sum not exceeding one thousand dollars, and upon". As passed by the two Houses of the Legislature this line reads "in a sum not exceeding one hundred dollars, and upon".**

**This bill has now been correctly enrolled and is herewith presented to you, signed by the President of the Senate and Speaker of the House of Delegates.**

**If satisfactory to you, it is suggested that you approve the correct bill and file it in the office of the Secretary of State with a copy of this letter attached.**

**Sincerely yours,**



**C. A. Blankenship  
Clerk**

**CAB:bmp**