

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1959

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**ENROLLED**

SENATE BILL NO. 189

(By Mr. Nuckols.....)

PASSED March 5,..... 1959

In Effect 90 days from..... Passage



Filed in Office of the Secretary of State  
of West Virginia MAR 12 1959

**JOE F. BURDETT**  
SECRETARY OF STATE

189

**ENROLLED**

**Senate Bill No. 189**

(By MR. NUCKOLS)

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[Passed March 5, 1959; in effect ninety days from passage.]

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AN ACT to amend and reenact section twenty-four, article twelve, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to payment of commissions to insurance agents, brokers, solicitors and excess line.

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

That section twenty-four, article twelve, 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 24. *Payment of Commissions.*—(a) The entire  
2 commission payable by any insurer licensed to transact  
3 insurance in this state on any insurance policy shall be

4 paid directly to the licensed resident agent who counter-  
5 signs the policy. The countersigning agent shall not pay  
6 any part of such commission to any person other than a  
7 licensed agent or broker: *Provided*, That the portion of  
8 such commission retained by the countersigning resident  
9 agent shall not be less than ten percent of the gross policy  
10 premium or fifty percent of the commission payable by  
11 the insurer as provided herein, whichever is the lesser  
12 amount. The term "commission" as used herein shall in-  
13 clude engineering fees, service fees or any other compen-  
14 sation incident to the issuance of a policy payable by or to  
15 any insurer, agent or broker. It shall be unlawful for any  
16 insurer or agent to pay, and any person to accept, directly  
17 or indirectly, any commission except as provided in this  
18 section.

19 (b) This section shall not apply to reinsurance, or life  
20 insurance; nor to excess line insurance procured in ac-  
21 cordance with the provisions of this article relating there-  
22 to; nor to credit insurance, any contract of insurance  
23 covering the rolling stock of any railroad or covering any  
24 vessel, aircraft or motor carrier used in interstate or for-

25 eign commerce, any liability or other risks incident to the  
26 ownership, maintenance or operation thereof, any con-  
27 tract of insurance covering any property in interstate or  
28 foreign commerce, or any liability or risks incident there-  
29 to.

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

*W. M. Jager*  
Chairman Senate Committee

*J. F. Teem*  
Chairman House Committee

Originated in the Senate.

Takes effect *90 days from* passage.

*Howard Myce*  
Clerk of the Senate

*C. Blankenship*  
Clerk of the House of Delegates

*Ralph Bean*  
President of the Senate

*N. R. Parley*  
Speaker House of Delegates

The within *approved* this the *12<sup>th</sup>*  
day of *March*, 1959.

*Earl R. Underwood*  
Governor