WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1959

ENROLLED

SENATE BILL NO. 241

(By Mr. Martin and Mr. Nichols)

PASSED March 4, 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
AN ACT to amend and reenact sections seventeen, eighteen and twenty-two, article twenty-three, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to fraternal benefit societies and authorizing the provision by such societies of a family plan for benefits.

Be it enacted by the Legislature of West Virginia:

That sections seventeen, eighteen and twenty-two, article twenty-three, 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:
Article 23. Fraternal Benefit Societies.

Section 17. Benefits.—(1) A society licensed in this state may provide for the payment of:

(a) death benefits in any form;
(b) endowment benefits;
(c) annuity benefits;
(d) temporary or permanent disability benefits as a result of disease or accident;
(e) hospital, medical or nursing benefits due to sickness or bodily infirmity or accident;
(f) monument or tombstone benefits to the memory of deceased members not exceeding in any case the sum of three hundred dollars.

(2) Such benefits may be provided on the lives of members or, upon application of a member, on the lives of the member's family, including the member, the member's spouse and minor children, in the same or separate certificates.

Sec. 18. Benefits on Lives of Children.—(a) A society may provide for benefits on the lives of children under the minimum age for adult membership but not greater
than twenty-one years of age at time of application therefore, upon the application of some adult person, as its laws or rules may provide, which benefits shall be in accordance with the provisions of paragraph (1) of section seventeen of this article. A society may, at its option, organize and operate branches for such children. Membership and initiation in local lodges shall not be required of such children, nor shall they have a voice in the management of the society.

(b) A society shall have power to provide for the designation and changing of designation of beneficiaries in the certificates providing for such benefits and to provide in all other respects for the regulation, government and control of such certificates and all rights, obligations and liabilities incident thereto and connected therewith.

Sec. 22. The Contract.—(a) Every society licensed in this state shall issue to each benefit member a certificate specifying the amount of benefits provided thereby. The certificate, together with any riders or endorsements attached thereto, the charter or articles of incorporation, the constitution and laws of the society, the application
for membership, and declaration of insurability, if any, signed by the applicant, and all amendments to each thereof, shall constitute the agreement, as of the date of issuance, between the society and the member, and the certificate shall so state. A copy of the application for membership and of the declaration of insurability, if any, shall be endorsed upon or attached to the certificate.

(b) All statements purporting to be made by the member shall be representations and not warranties. Any waiver of this provision shall be void.

(c) Any changes, additions or amendments to the charter or articles of incorporation, constitution or laws duly made or enacted subsequent to the issuance of the certificate, shall bind the member and the beneficiaries, and shall govern and control the agreement in all respects the same as though such changes, additions or amendments had been made prior to and were in force at the time of the application for membership, except that no change, addition, or amendment shall destroy or diminish benefits which the society contracted to give the member as of the date of issuance.
(d) Copies of any of the documents mentioned in this section, certified by the secretary or corresponding officer of the society, shall be received as evidence of the terms and conditions thereof.

(e) A society shall provide in its constitution or laws and in its certificates that if its reserves as to all or any class of certificates become impaired its board of directors or corresponding body may require that there shall be paid by the member to the society the amount of the member's equitable proportion of such deficiency as ascertained by its board, and that if the payment be not made it shall stand as an indebtedness against the certificate and draw interest not to exceed five per cent per annum compounded annually.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

W. A. Jasper
Chairman Senate Committee

J. T. Keen
Chairman House Committee

Originated in the Senate.

Takes effect 90 days from passage.

D. J. Morehouse
Clerk of the Senate

W. W. Lankenship
Clerk of the House of Delegates

Ralph Bax
President of the Senate

W. H. Pauley
Speaker House of Delegates

The within approved this the 11th day of March, 1959.

Governor