

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

ENROLLED

HOUSE BILL No. 597

(By Mr. Hill)

PASSED March 1, 1967

In Effect from Passage



FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-13-67

597

ENROLLED

House Bill No. 597

(By MR. HILL)

[Passed March 1, 1967; in effect from passage.]

AN ACT to amend and reenact section nine, article two, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the payment of expenses of examiners by insurers.

Be it enacted by the Legislature of West Virginia:

That section nine, article two, 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 2. INSURANCE COMMISSIONER.

§33-2-9. Examination of insurers, agents, brokers and solicitors; access to books, records, etc.

1 (a) The commissioner or his accredited examiners

2 shall, at least once each three years, visit each domestic
3 insurer and thoroughly examine its financial condition
4 and methods of doing business and ascertain whether
5 it has complied with all the laws and regulations of this
6 state. The commissioner at such times as he deems
7 necessary may cause an examination to be conducted
8 of any foreign or alien insurer licensed to trans-
9 act insurance in this state; all expenses of such
10 examination shall be charged to and collected from such
11 insurer in the manner prescribed by the commissioner.
12 The commissioner shall make a full written report of
13 each such examination of an insurer, certified to by the
14 commissioner or the examiner in charge of such exami-
15 nation. The commissioner shall furnish a copy of the
16 report to the insurer examined not less than ten days
17 prior to filing the same in his office. If such insurer so
18 requests in writing, within such ten-day period, the com-
19 missioner shall consider the objections of such insurer
20 to the report as proposed, and shall not so file the report
21 until after such modifications, if any, have been made
22 therein as the commissioner deems proper. The report,

23 when filed, shall be admissible in evidence in any action
24 or proceeding brought by the commissioner against the
25 insurer examined, or its officers or agents, and shall be
26 prima facie evidence of the facts stated therein. The
27 commissioner or his examiners may at any time testify
28 and offer other proper evidence as to information secured
29 during the course of an examination, whether or not a
30 written report of the examination has at that time been
31 either made, served, or filed in the commissioner's office.
32 The examination of an alien insurer shall be limited to
33 its United States business. In lieu of making his own
34 examination, the commissioner may accept a full report of
35 the last recent examination of a foreign or alien insurer,
36 certified to by the insurance supervisory official of the
37 state of domicile of a foreign insurer or the state of
38 entry into the United States of an alien insurer.

39 (b) The commissioner may also cause to be examined
40 at such times as he deems necessary the books, records,
41 papers, documents, correspondence and methods of doing
42 business of any agent, broker or solicitor licensed by
43 this state.

44 (c) For such purposes the commissioner, his deputies
45 and employees shall have free access to all books, records,
46 papers, documents and correspondence of all such in-
47 surers (whether domestic, foreign or alien), agents,
48 brokers and solicitors wherever such books, records,
49 papers, documents and records are situate.

50 (d) The commissioner may revoke the license of any
51 such insurer, agent, broker or solicitor who refuses to
52 submit to such examination.

53 (e) The commissioner may withhold from public in-
54 spection any examination or investigation report for such
55 time as he may deem prudent, but no such report shall
56 be withheld from public inspection for longer than
57 ninety days after the same has been filed.

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

William Tompos
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect from passage.

J. Howard Meyers
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard P. Adams
President of the Senate

H. L. White
Speaker House of Delegates

The within approved this the 13
day of March, 1967.

Hullett C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 3/7/67

Time 1:40 pm