WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED

HOUSE BILL No. 597

(By Mr. Hill)

PASSED March 4, 1967

In Effect Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-13-67
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
shall, at least once each three years, visit each domestic
insurer and thoroughly examine its financial condition
and methods of doing business and ascertain whether
it has complied with all the laws and regulations of this
state. The commissioner at such times as he deems
necessary may cause an examination to be conducted
of any foreign or alien insurer licensed to trans-
act insurance in this state; all expenses of such
examination shall be charged to and collected from such
insurer in the manner prescribed by the commissioner.
The commissioner shall make a full written report of
each such examination of an insurer, certified to by the
commissioner or the examiner in charge of such exami-
nation. The commissioner shall furnish a copy of the
report to the insurer examined not less than ten days
prior to filing the same in his office. If such insurer so
requests in writing, within such ten-day period, the com-
missioner shall consider the objections of such insurer
to the report as proposed, and shall not so file the report
until after such modifications, if any, have been made
therein as the commissioner deems proper. The report,
when filed, shall be admissible in evidence in any action
or proceeding brought by the commissioner against the
insurer examined, or its officers or agents, and shall be
prima facie evidence of the facts stated therein. The
commissioner or his examiners may at any time testify
and offer other proper evidence as to information secured
during the course of an examination, whether or not a
written report of the examination has at that time been
either made, served, or filed in the commissioner's office.
The examination of an alien insurer shall be limited to
its United States business. In lieu of making his own
examination, the commissioner may accept a full report of
the last recent examination of a foreign or alien insurer,
certified to by the insurance supervisory official of the
state of domicile of a foreign insurer or the state of
entry into the United States of an alien insurer.
(b) The commissioner may also cause to be examined
at such times as he deems necessary the books, records,
papers, documents, correspondence and methods of doing
business of any agent, broker or solicitor licensed by
this state.
(c) For such purposes the commissioner, his deputies and employees shall have free access to all books, records, papers, documents and correspondence of all such insurers (whether domestic, foreign or alien), agents, brokers and solicitors wherever such books, records, papers, documents and records are situate.

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

(e) The commissioner may withhold from public inspection any examination or investigation report for such time as he may deem prudent, but no such report shall be withheld from public inspection for longer than ninety days after the same has been filed.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

William Tongue
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.
Takes effect from passage.

O.H. Gaither
Clerk of the Senate

J.A. Blandenship
Clerk of the House of Delegates

Howard B. Lovan
President of the Senate

H. Jackson White
Speaker House of Delegates

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

Herbert C. Brain
Governor
PRESENTED TO THE
GOVERNOR

Date 3/7/67

Time 1:40 pm