WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED

SENATE BILL NO. 110

(By Mr. Cassim, Mr. President, and Mr. Kaufman)

PASSED March 1, 1967

In Effect Ninety days from Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-11-67
ENROLLED

Senate Bill No. 110

(By Mr. Carson, Mr. President, and Mr. Kaufman)

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

AN ACT to amend and reenact section five, article twenty, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authority of the insurance commissioner to conduct public hearings.

Be it enacted by the Legislature of West Virginia:

That section five, article twenty, 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 20. RATES AND RATING ORGANIZATIONS.

§33-20-5. Disapproval of filings.

(a) If within the waiting period or any extension thereof as provided in paragraph (c) of section four of
this article, the commissioner finds that a filing does not meet the requirements of this article, he shall send to the insurer or rating organization which made such filing, written notice of disapproval of such filing specifying therein in what respects he finds such filing fails to meet the requirements of this article and stating that such filing shall not become effective.

(b) If within thirty days after a special surety filing subject to paragraph (f) of section four of this article or if within thirty days after a specific inland marine rate on a risk specially rated by a rating organization subject to paragraph (g) of section four of this article has become effective, the commissioner finds that such filing does not meet the requirements of this article, he shall send to the rating organization which made such filing written notice of disapproval of such filing specifying therein in what respects he finds that such filing fails to meet the requirements of this article and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Said disapproval shall not affect any contract
(c) If at any time subsequent to the applicable review period provided for in paragraphs (a) or (b) of this section, the commissioner finds that a filing does not meet the requirements of this article, he shall, after notice and hearing to every insurer and rating organization which made such filing, issue an order specifying in what respects he finds that such filing fails to meet the requirements of this article, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective. Copies of said order shall be sent to every such insurer and rating organization. Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.

(d) Any person or organization aggrieved with respect to any filing which is in effect may demand a hearing thereon. If, after such hearing, the commissioner finds that the filing does not meet the requirements of this article, he shall issue an order specifying in what respects he finds that such filing fails to meet the requirements of
this article, and stating when, within a reasonable period thereafter, such filing shall be deemed no longer effective.

Said order shall not affect any contract or policy made or issued prior to the expiration of the period set forth in said order.

(e) Any insurer or rating organization, in respect to any filing made by it which is not approved by the commissioner, may demand a hearing thereon.

(f) No manual of classifications, rules, rating plans, or any modification of any of the foregoing which establishes standards for measuring variations in hazards or expense provisions, or both, in the case of casualty insurance to which this article applies and no manual, minimum, class rate, rating schedule, rating plan, rating rule, or any modification of any of the foregoing, in the case of fire insurance to which this article applies, and which has been filed pursuant to the requirements of section four of this article, shall be disapproved if the rates thereby produced meet the requirements of this article.

(g) If, in the opinion of the commissioner, the rate or form filing made by an insurer is of such import that it
65 will affect the public he may, at his discretion, issue notice
66 to such insurer of a public hearing. The notice of public
67 hearing to the insurer making such form or rate filing
68 shall be made by United States mail at least fifteen days
69 prior to hearing date. Notice to the public shall be given
70 by appropriate publication in a newspaper in the form
71 and manner prescribed by chapter twenty-nine-a of this
72 code. The holding of a public hearing as outlined in this
73 paragraph shall have the effect of eliminating the right of
74 the party making such filing to demand a hearing as
75 stated in paragraphs (d) and (e) of this section.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Tempea  
Chairman Senate Committee

Clayton A. Daubden  
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard Mc.  
Clerk of the Senate

Clerk of the House of Delegates

Howard Johnson  
President of the Senate

H. Mackinzie White  
Speaker House of Delegates

The within approved this the 11th day of March, 1967.

Walter C. Smith  
Governor
PRESENTED TO THE
GOVERNOR

Date 3-7-67
Time 2:55 P.M.