

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

ENROLLED

SENATE BILL NO. 110

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

PASSED March 1, 1967

In Effect thirty days from Passage

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

110

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
2 thereof as provided in paragraph (c) of section four of

3 this article, the commissioner finds that a filing does not
4 meet the requirements of this article, he shall send to the
5 insurer or rating organization which made such filing,
6 written notice of disapproval of such filing specifying
7 therein in what respects he finds such filing fails to meet
8 the requirements of this article and stating that such
9 filing shall not become effective.

10 (b) If within thirty days after a special surety filing
11 subject to paragraph (f) of section four of this article or
12 if within thirty days after a specific inland marine rate
13 on a risk specially rated by a rating organization subject
14 to paragraph (g) of section four of this article has become
15 effective, the commissioner finds that such filing does not
16 meet the requirements of this article, he shall send to the
17 rating organization which made such filing written notice
18 of disapproval of such filing specifying therein in what
19 respects he finds that such filing fails to meet the require-
20 ments of this article and stating when, within a reasonable
21 period thereafter, such filing shall be deemed no longer
22 effective. Said disapproval shall not affect any contract

23 made or issued prior to the expiration of the period set
24 forth in said notice.

25 (c) If at any time subsequent to the applicable review
26 period provided for in paragraphs (a) or (b) of this sec-
27 tion, the commissioner finds that a filing does not meet
28 the requirements of this article, he shall, after notice and
29 hearing to every insurer and rating organization which
30 made such filing, issue an order specifying in what re-
31 spects he finds that such filing fails to meet the require-
32 ments of this article, and stating when, within a reason-
33 able period thereafter, such filing shall be deemed no
34 longer effective. Copies of said order shall be sent to
35 every such insurer and rating organization. Said order
36 shall not affect any contract or policy made or issued prior
37 to the expiration of the period set forth in said order.

38 (d) Any person or organization aggrieved with respect
39 to any filing which is in effect may demand a hearing
40 thereon. If, after such hearing, the commissioner finds
41 that the filing does not meet the requirements of this
42 article, he shall issue an order specifying in what respects
43 he finds that such filing fails to meet the requirements of

44 this article, and stating when, within a reasonable period
45 thereafter, such filing shall be deemed no longer effective.
46 Said order shall not affect any contract or policy made or
47 issued prior to the expiration of the period set forth in
48 said order.

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

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

63 (g) If, in the opinion of the commissioner, the rate or
64 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 Tomp
Chairman Senate Committee

Clayton C. Daubben
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Howard S. Myers
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

Howan Robinson
President of the Senate

H. Lekan White
Speaker House of Delegates

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

Arnett C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 3-7-67

Time 2:55 P.M.