

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1973



ENROLLED

HOUSE BILL No. 1244

(By Mr. Muraco)

m. Shifflet



PASSED April 14 1973

In Effect ninty days from Passage



FILED IN THE OFFICE
EDGAR F. NELSKELL III
SECRETARY OF STATE
THIS DATE 5/3/73

1244

ENROLLED

COMMITTEE SUBSTITUTE

FOR

House Bill No. 1244

(By MR. MORASCO and MR. SHIFLET)

(Originating in the House Committee on the Judiciary)

[Passed April 14, 1973; in effect ninety days from passage.]

AN ACT to amend and reenact section eleven, article three, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to insurance; relating to the authority of the insurance commissioner to refuse to renew or to revoke or suspend the license of an insurer; specifying certain grounds therefor; authorizing the insurance commissioner to impose a penalty in a sum not exceeding ten thousand dollars for certain conduct of an insurer; and relating to the authority of the insurance commissioner to reissue, terminate the suspension of or renew a license.

Be it enacted by the Legislature of West Virginia:

That section eleven, article 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 3. LICENSING, FEES AND TAXATION OF INSURERS.

§33-3-11. Discretionary refusal, revocation or suspension; penalty in lieu therefor; reissuance.

- 1 (a) The commissioner may after notice and hearing refuse

2 to renew, or may revoke or suspend the license of an insurer,
3 in addition to other grounds therefor in this chapter, if the
4 insurer:

5 (1) Violates any provision of this chapter other than those
6 as to which refusal, suspension or revocation is mandatory;

7 (2) Fails to comply with any lawful rule, regulation or
8 order of the commissioner;

9 (3) Is transacting insurance in an illegal, improper or un-
10 just manner;

11 (4) Is found by the commissioner to be in an unsound
12 condition or in such condition as to render its further transac-
13 tion of insurance in West Virginia hazardous to its policy-
14 holders or to the people of West Virginia;

15 (5) Compels insureds under its policies to accept less than
16 the amount due them or to bring suit against it to secure full
17 payment when it has no substantial defense;

18 (6) Refuses to be examined or to produce its accounts,
19 records and files for examination by the commissioner when
20 required;

21 (7) Fails to pay any final judgment rendered against it in
22 West Virginia within thirty days after the judgment became
23 final or time for appeal expired, whichever is later;

24 (8) Fails to pay when due to the state of West Virginia any
25 taxes, fees, charges or penalties required by this chapter.

26 (b) In lieu of refusing to renew, revoking or suspending the
27 license of an insurer in any case except where such action is
28 mandatory, the commissioner may, by order, require the in-
29 surer to pay to the state of West Virginia a penalty in a sum
30 not exceeding ten thousand dollars, and upon the failure of the
31 insurer to pay such penalty within thirty days after notice there-
32 of, the commissioner may revoke or suspend the license of such
33 insurer.

34 (c) When any license has been revoked or suspended or
35 renewal thereof refused, the commissioner may reissue, ter-
36 minate the suspension or renew such license when he is satisfied
37 that the conditions causing such revocation, suspension or re-
38 fusal to renew have ceased to exist and are unlikely to recur.

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

W. Darrel Darty
Chairman Senate Committee

Lawrence C. Christian, Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Heward W. Carson
Clerk of the Senate

C. A. Bloukenship
Clerk of the House of Delegates

W. F. Brotherton, Jr.
President of the Senate

Lewis F. R. Moore
Speaker House of Delegates

The within approved this the 25th
day of April, 1973.

Archd. Moore, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 4/25/73

Time 3:35 p.m.

RECEIVED

APR 25 1973
GOVERNOR OF STATE
STATE OF MARYLAND