

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-30-82

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982



ENROLLED

HOUSE BILL No. 1616

(By Mr. Martin, 35th Dist., + Mr. Farley)



Passed March 13, 1982

In Effect Ninety Days From Passage



ENROLLED

H. B. 1616

(By MR. MARTIN, 35th Dist., and MR. FARLEY)

[Passed March 13, 1982; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article twelve, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the qualifications of applicants for insurance agents, brokers or solicitors licenses; use of a testing service.

Be it enacted by the Legislature of West Virginia:

That section two, article twelve, 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 12. AGENTS, BROKERS, SOLICITORS AND EXCESS LINE.

§33-12-2. Qualifications.

1 For the protection of the people of West Virginia, the
2 commissioner shall not issue, renew or permit to exist any
3 agent's, broker's or solicitor's license except to an individual
4 who:

5 (a) Is eighteen years of age or more.

6 (b) Is a resident of West Virginia, except that a broker's
7 license shall be issued only to nonresidents, and except for
8 nonresident life and accident and sickness agents as provided
9 in section eight of this article.

10 (c) Is, in the case of an agent applicant, appointed as

11 agent by a licensed insurer for the kind or kinds of insurance
12 for which application is made, subject to issuance of license,
13 or, in the case of a solicitor applicant, appointed as solicitor
14 by a licensed resident agent, subject to issuance of license.

15 (d) Does not intend to use the license principally for
16 the purpose, in the case of life or accident and sickness
17 insurance, of procuring insurance on himself, members of his
18 family or his relatives; or, as to insurance other than life
19 and accident and sickness, upon his property or insurable
20 interests of those of his family or his relatives or those
21 of his employer, employees or firm, or corporation in which
22 he owns a substantial interest, or of the employees of such
23 firm or corporation, or on property or insurable interests
24 for which the applicant or any such relative, employer, firm
25 or corporation is the trustee, bailee or receiver. For the
26 purposes of this provision, a vendor's or lender's interest
27 in property sold or being sold under contract or which is
28 the security for any loan, shall not be deemed to constitute
29 property or an insurable interest of such vendor or lender.

30 (e) Satisfies the commissioner that he is trustworthy and
31 competent. The commissioner may, at his discretion, test
32 the competency of an applicant for a license under this sec-
33 tion by examination. If such examination is required by
34 the commissioner, each examinee shall pay a five-dollar
35 examination fee for each examination to the commissioner
36 who shall deposit said examination fee into the state treasury
37 for the benefit of the state fund, general revenue. The com-
38 missioner may, at his discretion, designate an independent
39 testing service to prepare and administer such examination
40 subject to direction and approval by the commissioner, and
41 examination fees charged by such service shall be paid by
42 the applicant.

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

R. P. Bayer

Chairman Senate Committee

Joseph E. Whittow
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

James C. Winters

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

Warren R. McSwain
President of the Senate

Alfred M. See, Jr.
Speaker House of Delegates

The within is approved this the 30
day of March, 1982.

John N. Rhymer
Governor

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SECY. OF STATE