ENROLLED

HOUSE BILL No. 1664

(By Mr. Fanley)

Passed March 3, 1983

In Effect From Passage
ENROLLED

H. B. 1664
(By Mr. Farley)

[Passed March 3, 1983; in effect from passage.]

AN ACT to amend and reenact sections fourteen and fourteen-c, article three, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to preparation and filing of premium tax returns by insurance companies; payment of tax; annual financial statements.

Be it enacted by the Legislature of West Virginia:

That sections fourteen and fourteen-c, 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.

§33-3-14. Annual financial statement and premium tax return; remittance by insurer of premium tax, less certain deductions.

Every insurer transacting insurance in West Virginia shall file with the commissioner, on or before the first day of March, each year, a financial statement made under oath of its president or secretary and on a form prescribed by the commissioner. Such insurer shall also, on or before the first day of March of each year subject to the provisions of section fourteen-c of this article, under the oath of its president or secretary, make a premium tax return for the previous calendar year, on a form prescribed by the commissioner showing the gross amount of direct premiums (whether designated as a premium or by some other name)
collected and received by it during the previous calendar year on policies covering risks resident, located or to be performed in this state and compute the amount of premium tax chargeable to it in accordance with the provisions of this article, deducting the amount of quarterly payments as required to be made pursuant to the provisions of section fourteen-c of this article, if any, less any adjustments to the gross amount of such direct premiums made during such calendar year, if any, and transmit with such return to the commissioner a remittance in full for the tax due. The tax shall be a sum equal to two percent of the gross direct premiums, including dividends (by whatever name called) on participating policies applied in reduction of premiums, less premiums returned to policyholders because of cancellation of policies, and shall also include any additional tax due under section fourteen-a of this section. All taxes received by the commissioner shall be paid by him into the state treasury for the benefit of the state fund.

§33-3-14c. Computation of tax; payment.

The taxes levied hereunder shall be due and payable in quarterly installments on or before twenty-fifth day of the month succeeding the end of the quarter in which they accrue, except for the fourth quarter, for which taxes shall be due and payable on or before the first day of March of the succeeding year. The insurer subject to making such payments shall, by the twenty-fifth day of the month succeeding the close of the quarter except the fourth quarter as provided above prepare an estimate of the tax based on the estimated amount of taxable premiums during the preceding calendar quarter, less adjustments to the gross amount of direct premiums from the preceding quarter, sign the same by its president or secretary, under oath, and mail the same together with a remittance of the amount of tax to the office of the commissioner.

Any insurer failing or refusing to pay estimated taxes for more than thirty days after the time specified is liable for a civil penalty of up to one hundred dollars for each additional day of delinquency, to be assessed by the com-
missioner. Failure of an insurer to make quarterly payments, if required, of at least one fourth of either the total tax paid during the preceding calendar year or eighty percent of the actual tax for the current calendar year is considered the same as a failure or refusal to pay the estimated taxes and subjects the insurer to the penalties provided in this section. The amount of estimated taxes and the penalties collected shall be paid to the commissioner and he may suspend the insurer until estimated taxes and penalty, should any penalty be imposed, are fully paid.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis
Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect from passage.

John C. Willis
Clerk of the Senate

Donald L. Kerper
Clerk of the House of Delegates

Ulmer R. McGaw
President of the Senate

W. M. Lee, Jr.
Speaker House of Delegates

The within _______________________ this the ______ day of __________, 1983.

J. D. Ramsey
Governor