

No: 257

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1988



ENROLLED

SENATE BILL NO. 257

(By Senators Lightner and Williams)



PASSED March 10, 1988

In Effect 90 days from Passage



ENROLLED

Senate Bill No. 257

(BY SENATORS HYLTON AND WILLIAMS)

[Passed March 10, 1988; in effect ninety days from passage.]

AN ACT to amend and reenact section thirty-four, article twenty-three, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to insurance; increase amount of death benefits exemption for certain societies.

Be it enacted by the Legislature of West Virginia:

That section thirty-four, article twenty-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 23. FRATERNAL BENEFIT SOCIETIES.

§33-23-34. Exemption of certain societies.

- 1 (a) Nothing contained in this article shall be so
- 2 construed as to affect or apply to:
- 3 (1) Grand or subordinate lodges of societies, orders or
- 4 associations now doing business in this state which provide
- 5 benefits exclusively through local or subordinate lodges;
- 6 (2) Orders, societies or associations which admit to
- 7 membership only persons engaged in one or more crafts or
- 8 hazardous occupations, in the same or similar lines of
- 9 business insuring only their own members, their families

10 and descendants of members and the ladies' societies or
11 ladies' auxiliaries to such orders, societies or associations;

12 (3) Domestic societies which limit their membership to
13 employees of a particular city or town, designated firm,
14 business house or corporation which provide for a death
15 benefit of not more than four hundred dollars or disability
16 benefits of not more than three hundred fifty dollars to any
17 person in any one year, or both; or

18 (4) Domestic societies or associations of a purely
19 religious, charitable or benevolent description, which
20 provide for a death benefit of not more than two thousand
21 dollars or for disability benefits of not more than three
22 hundred fifty dollars to any one person in any one year, or
23 both.

24 (b) Any such society or association described in
25 subdivision (3) or (4), subsection (a) of this section which
26 provides for death or disability benefits for which benefit
27 certificates are issued, and any such society or association
28 included in subdivision (4) which has more than one
29 thousand members, shall not be exempted from the
30 provisions of this article but shall comply with all
31 requirements thereof.

32 (c) No society which, by the provisions of this section, is
33 exempt from the requirements of this article, except any
34 society described in subdivision (2), subsection (a) of this
35 section, shall give or allow, or promise to give or allow to
36 any person any compensation for procuring new members.

37 (d) Every society which provides for benefits in case of
38 death or disability resulting solely from accident, and
39 which does not obligate itself to pay natural death or sick
40 benefits shall have all of the privileges and be subject to all
41 the applicable provisions and rules of this article except
42 that the provisions thereof relating to medical examination,
43 valuations of benefit certificates, and incontestability, shall
44 not apply to such society.

45 (e) The commissioner may require from any society or
46 association, by examination or otherwise, such information
47 as will enable him to determine whether such society or
48 association is exempt from the provisions of this article.

49 (f) Societies, exempted under the provisions of this
50 section, shall also be exempt from all other provisions of
51 this chapter.

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

Bruce O. Williams
.....
Chairman Senate Committee

Bernard V. Kelly
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Judd C. Hulth
.....
Clerk of the Senate

Donald J. Hepp
.....
Clerk of the House of Delegates

Don Torheim
.....
President of the Senate

John M. ...
.....
Speaker House of Delegates

The within *Approved* this the *25th*
March day of ... 1988.

Auke Stange
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/18/88

Time 3:44 p.m.

RECEIVED

1989 MAR 31 AM 10:49

OFFICE OF THE ATTORNEY GENERAL
SECRETARY OF STATE