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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1989



ENROLLED

Com. Sub. For

HOUSE BILL No. 2286

(By Mr. *Delegate Ashcraft*)



Passed *April 7,* 1989

In Effect *June 1, 1989* **Passage**

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2286
(By DELEGATE ASHCRAFT)

[Passed April 7, 1989; in effect June 1, 1989.]

AN ACT to amend and reenact sections two and thirty-three, article twenty-three, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to requiring fraternal benefit societies to adhere to the provisions of article twelve of chapter thirty-three which deals with agents, brokers, solicitors and excess lines; and to requiring agents of such societies to be licensed.

Be it enacted by the Legislature of West Virginia:

That sections two and thirty-three, 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.

§33-23-2. Other provisions of chapter applicable.

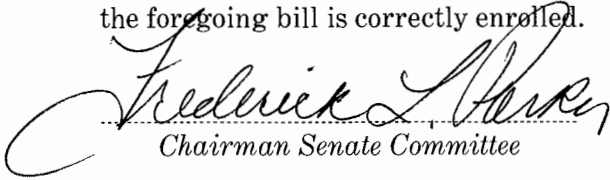
1 Every fraternal benefit society shall be governed and
2 be subject, to the same extent as other insurers
3 transacting like kinds of insurance, to the following
4 articles of this chapter: Article one (definitions); article
5 two (insurance commissioner); article four (general
6 provisions); article ten (rehabilitation and liquidation);

7 article eleven (unfair trade practices); article twelve
8 (agents, brokers, solicitors and excess lines); and article
9 thirteen (life insurance).

§33-23-33. Agents.

1 Commencing on the first day of June, one thousand
2 nine hundred eighty-nine, agents for fraternal benefit
3 societies shall be required to be licensed pursuant to
4 chapter thirty-three of the code of West Virginia, one
5 thousand nine hundred thirty-one, as amended:
6 *Provided*, That any person who was acting as or serving
7 in the role of an agent for a fraternal benefit society on
8 or before the first day of July, one thousand nine
9 hundred eighty-nine, shall be exempt from the exami-
10 nation requirement of subsection (e), section two, article
11 twelve of this chapter: *Provided, however*, That any
12 person who is a salaried officer, employee or member
13 of a fraternal benefit society and who as an occasional
14 and incidental duty of such position may solicit a
15 fraternal insurance contract from a member of such
16 fraternal benefit society such person shall be exempt
17 from the continuing education requirements otherwise
18 made subject to insurance agents by this chapter and
19 the examination requirements of subsection (e), section
20 two, article twelve of this chapter if such person receives
21 no commission or other compensation based directly on
22 such solicitation of fraternal insurance contracts and if
23 such person makes no solicitation of insurance of any
24 kind to or from persons who are not members of such
25 fraternal benefit society. For the purpose of this article
26 the solicitation of a fraternal insurance contract by such
27 salaried officer, employee, or member from a new
28 member of such society simultaneously with such new
29 member's joining such society shall be deemed the
30 solicitation of a member.

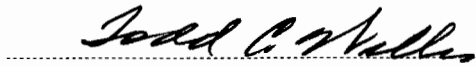
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.



Chairman Senate Committee

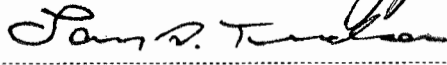

Chairman House Committee

Originating in the House.

Takes effect June 1, 1989.

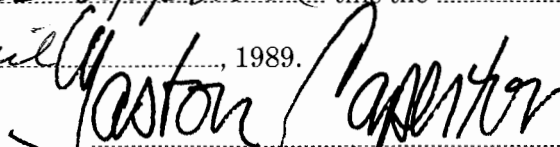

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within is approved this the 26th
day of April, 1989.


Governor

PRESENTED TO THE

GOVERNOR

Date

4/24/09

Time

2:05