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
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 be subject, to the same extent as other insurers transacting like kinds of insurance, to the following articles of this chapter: Article one (definitions); article two (insurance commissioner); article four (general provisions); article ten (rehabilitation and liquidation);
Enr. Com. Sub. for H. B. 2286] 2


Commencing on the first day of June, one thousand nine hundred eighty-nine, agents for fraternal benefit societies shall be required to be licensed pursuant to chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended:

Provided, That any person who was acting as or serving in the role of an agent for a fraternal benefit society on or before the first day of July, one thousand nine hundred eighty-nine, shall be exempt from the examination requirement of subsection (e), section two, article twelve of this chapter: Provided, however, That any person who is a salaried officer, employee or member of a fraternal benefit society and who as an occasional and incidental duty of such position may solicit a fraternal insurance contract from a member of such fraternal benefit society such person shall be exempt from the continuing education requirements otherwise made subject to insurance agents by this chapter and the examination requirements of subsection (e), section two, article twelve of this chapter if such person receives no commission or other compensation based directly on such solicitation of fraternal insurance contracts and if such person makes no solicitation of insurance of any kind to or from persons who are not members of such fraternal benefit society. For the purpose of this article the solicitation of a fraternal insurance contract by such salaried officer, employee, or member from a new member of such society simultaneously with such new member's joining such society shall be deemed the solicitation of a member.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick H. Blake
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