

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990

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ENROLLED

Com. Sub. for
HOUSE BILL No. 4130

(By Mr. *Speaker, Mr. Chambers, & Del. Ashcraft*)

— ● —

Passed *March 10,* 1990

In Effect *from* Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR

H. B. 4130

(By MR. SPEAKER, MR. CHAMBERS, AND DELEGATE ASHCRAFT)

[Passed March 10, 1990; in effect from passage.]

AN ACT to amend and reenact section thirteen, article three, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend article twelve of said chapter by adding thereto a new section, designated section two-a, all relating to establishing a continuing education program for agents; suspension for failure to meet requirements; and, giving the insurance commissioner certain responsibilities.

Be it enacted by the Legislature of West Virginia:

That section thirteen, article three, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted; and that article twelve of said chapter be amended by adding thereto a new section, designated section two-a, all to read as follows:

ARTICLE 3. LICENSING, FEES AND TAXATION OF INSURERS.

§33-3-13. Fees and charges.

1 (a) Except where it is otherwise specially provided,
2 the commissioner shall demand and receive the follow-
3 ing fees from all insurers: For annual fee for each
4 license, two hundred dollars; for receiving and filing
5 annual reports, one hundred dollars; for valuation of
6 policies of life insurers organized under the laws of this
7 state, one and one-half cents for each one thousand

8 dollars of insurance; for valuation of policies of life
9 insurers organized under the laws of any other state
10 licensed to transact insurance in this state the rate for
11 each one thousand dollars of insurance valued as is
12 imposed by the other state upon any similar insurer
13 organized under the laws of this state licensed to
14 transact insurance in the other state; for filing certified
15 copy of articles of incorporation, fifty dollars; for filing
16 copy of its charter, fifty dollars; for filing statements
17 preliminary to admission, one hundred dollars; for filing
18 any additional paper required by law or furnishing
19 copies thereof, one dollar; for every certificate of
20 valuation, copy of report or certificate of condition of
21 company to be filed in any other state, fifteen dollars;
22 for each licensed agent, twenty-five dollars. The
23 commissioner may by regulation set reasonable charges
24 for printed forms for the annual statements required by
25 law. He may sell at cost publications purchased by, or
26 printed on behalf of the commissioner.

27 (b) Such fees and charges collected by the commis-
28 sioner under the provisions of this section or elsewhere
29 in this chapter and designated for use by the commis-
30 sioner for the operation of the department of insurance
31 or for the purposes of this section, shall be paid into a
32 special revenue account, hereby created in the state
33 treasury, to be expended and used by the commissioner,
34 upon his requisition and after appropriation by the
35 Legislature, for the operation of the department of
36 insurance. Notwithstanding any provisions in this code
37 to the contrary, the commissioner may expend, in
38 accordance with the provisions of section two-a, article
39 twelve of this chapter, from the special revenue account
40 established pursuant to this section, amounts necessary
41 to establish and maintain a system of continuing
42 education for agents as provided in section two-a, article
43 twelve of this chapter.

**ARTICLE 12. AGENTS, BROKERS, SOLICITORS AND EXCESS
LINE.**

**§33-12-2a. Duty to receive continuing education; educa-
tional requirements; compliance; penalties.**

1 The purpose of this provision is to provide continuing

2 education under guidelines set up under the insurance
3 commissioner's office effective the first day of July, one
4 thousand nine hundred ninety-two, with the guidelines
5 to be set up under the board of insurance agent
6 education. Nothing in this section shall prohibit an
7 individual from receiving commissions which have been
8 vested and earned while that individual maintained an
9 approved insurance agent's license.

10 (a) This section applies to persons licensed to engage
11 in the sale of the following types of insurance:

12 (1) Life insurance, annuity contracts, variable annuity
13 contracts and variable life insurance;

14 (2) Sickness, accident and health insurance;

15 (3) All lines of property and casualty insurance; and

16 (4) All other lines of insurance for which an exami-
17 nation is required for licensing.

18 (b) This section does not apply to:

19 (1) Persons holding resident licenses for any kind or
20 kinds of insurance offered in connection with loans or
21 other credit transactions or insurance for which an
22 examination is not required by the commissioner, nor
23 does it apply to any such limited or restricted license
24 as the commissioner may exempt;

25 (2) Individuals selling credit life or credit accident
26 and health insurance.

27 (c) (1) The board of insurance agent education as
28 established by section two of this article shall develop
29 a program of continuing insurance education and
30 submit the proposal for the approval of the commis-
31 sioner on or before the thirty-first day of December of
32 each year. No program shall be approved by the
33 commissioner that includes a requirement that any
34 agent complete more than thirty hours of continuing
35 insurance education biennially.

36 (2) The commissioner and the board, under standards
37 established by the board, may approve any course or
38 program of instruction developed or sponsored by an

39 authorized insurer, accredited college or university,
40 agents' association, insurance trade association or
41 independent program of instruction that presents the
42 criteria and the number of hours that the board and
43 commissioner determine appropriate for the purpose of
44 this section.

45 (d) Persons licensed to sell insurance and who are not
46 otherwise exempt shall satisfactorily complete the
47 courses or programs of instruction as the commissioner
48 may prescribe.

49 (e) Every person, subject to the continuing education
50 requirements shall furnish, at intervals and on forms as
51 may be prescribed by the commissioner, written
52 certification listing the courses, programs or seminars
53 of instruction successfully completed by the person. The
54 certification shall be executed by, or on behalf of, the
55 organization sponsoring the courses, programs or
56 seminars of instruction.

57 (f) Any person, failing to meet the requirements
58 mandated in this section, and who has not been granted
59 an extension of time, with respect to such requirements,
60 or who has submitted to the commissioner a false or
61 fraudulent certificate of compliance shall, after a
62 hearing thereon, which hearing may be waived by the
63 person, be subjected to suspension of all licenses issued
64 for any kind or kinds of insurance. No further license
65 may be issued to the person for any kind or kinds of
66 insurance until he or she has demonstrated to the
67 satisfaction of the commissioner that he or she has
68 complied with all of the requirements mandated by this
69 section and all other applicable laws or rules.

70 (g) Hearings for the violation of any provision of this
71 section, and the administrative procedure prior to,
72 during and following these hearings shall be conducted
73 in accordance with the provisions of article two of this
74 chapter.

75 (h) The commissioner is authorized to hire personnel
76 and make reasonable expenditures as deemed necessary
77 for purposes of establishing and maintaining a system
78 of continuing education for insurers.

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

Frederick Z. Peres
Chairman Senate Committee

Bernard V. Kelly
Chairman House Committee

Originating in the House.

Takes effect from passage.

Harold E. Blum
Clerk of the Senate

Daniel J. Hoop
Clerk of the House of Delegates

Keth Sandette
President of the Senate

Robert C. Ehrlich
Speaker of the House of Delegates

The within *is approved* this the *30th*
day of *March* 1990.
Robert C. Ehrlich
Governor

PRESENTED TO THE

GOVERNOR

Date 3/27/90

Time 10:00am

RECEIVED

1990 MAR 30 PM 5:02

OFFICE OF THE GOVERNOR
STATE OF CALIFORNIA