WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990

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ENROLLED

Com. Sub. for
HOUSE BILL No. 4130

(By Mr. Speaker M. Chambers & Del. Ashcraft)

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Passed .................................................. March 10, 1990

In Effect ................................................. Passage

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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, the commissioner shall demand and receive the following fees from all insurers: For annual fee for each license, two hundred dollars; for receiving and filing annual reports, one hundred dollars; for valuation of policies of life insurers organized under the laws of this 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
education under guidelines set up under the insurance
commissioner's office effective the first day of July, one
thousand nine hundred ninety-two, with the guidelines
to be set up under the board of insurance agent
education. Nothing in this section shall prohibit an
individual from receiving commissions which have been
vested and earned while that individual maintained an
approved insurance agent's license.

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

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

(2) Sickness, accident and health insurance;

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

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

(b) This section does not apply to:

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

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

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

(2) The commissioner and the board, under standards
established by the board, may approve any course or
program of instruction developed or sponsored by an
authorized insurer, accredited college or university, agents' association, insurance trade association or independent program of instruction that presents the criteria and the number of hours that the board and commissioner determine appropriate for the purpose of this section.

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

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

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

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

(h) The commissioner is authorized to hire personnel and make reasonable expenditures as deemed necessary for purposes of establishing and maintaining a system of continuing education for insurers.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Frederick E. Posey  
Chairman Senate Committee

Barnard V. Kelly  
Chairman House Committee

Originating in the House.

Takes effect from passage.

Harold F. Kellogg  
Clerk of the Senate

David L. Nygren  
Clerk of the House of Delegates

Keith Banditt  
President of the Senate

Robert C. Cürnberg  
Speaker of the House of Delegates

The within is approved this the 30th day of March, 1990.

Mason Capotosto  
Governor