

SB # 390

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SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

SENATE BILL NO. 390

(By Senator Minard)



PASSED March 11, 1994

In Effect 90 days from Passage

E N R O L L E D
Senate Bill No. 390

(BY SENATOR MINARD)

[Passed March 11, 1994; in effect ninety days from passage.]

AN ACT to amend and reenact section eight, article six, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to the approval of insurance policy forms; creating exceptions for certain associations; and providing for exemptions upon written application and for good cause shown.

Be it enacted by the Legislature of West Virginia:

That section eight, article six, 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 6. THE INSURANCE POLICY.

§33-6-8. Approval of forms.

- 1 (a) Except as provided in section eight, article
- 2 seventeen of this chapter (fire and marine forms), no

3 insurance policy form, no group certificate form, no
4 insurance application form where written application is
5 required and is to be made a part of the policy, and no
6 rider, endorsement or other form to be attached to any
7 policy, shall be delivered or issued for delivery in this
8 state by an insurer unless it has been filed with and
9 approved by the commissioner, except that as to group
10 insurance policies delivered outside this state, only the
11 group certificates to be delivered or issued for delivery
12 in this state shall be filed for approval with the
13 commissioner. This section shall not apply to policies,
14 riders, endorsements or forms of unique character
15 designed for and used with relation to insurance upon a
16 particular subject, or which relate to the manner of
17 distribution of benefits or to the reservation of rights
18 and benefits under life or accident and sickness
19 insurance policies, and are used at the request of the
20 individual policyholder, contract holder or certificate
21 holder, nor to the surety bond forms.

22 (b) Every such filing shall be made not less than sixty
23 days in advance of any such delivery. At the expiration
24 of such sixty days, the form so filed shall be deemed
25 approved unless prior thereto it has been affirmatively
26 approved or disapproved by the commissioner. Approval
27 of any such form by the commissioner shall constitute a
28 waiver of any unexpired portion of such waiting period.
29 The commissioner may at any time, after notice and for
30 cause shown, withdraw any such approval.

31 (c) Any order of the commissioner disapproving any
32 such form or withdrawing a previous approval shall
33 state the grounds therefor.

34 (d) The commissioner may, by order, exempt from the
35 requirements of this section for so long as he deems
36 proper any insurance document or form or type thereof
37 as specified in such order, to which, in his opinion, this
38 section may not practicably be applied, or the filing and
39 approval of which are, in his opinion, not desirable or
40 necessary for the protection of the public.

41 (e) Notwithstanding any other provisions of this
42 section, any mass marketed life and/or health insurance
43 policy offered to members of any association by the
44 association shall be exempt from the provision requiring
45 prior approval under this section: *Provided*, That for
46 purposes of this section, the association shall have a
47 minimum of sixty-one members at the outset of the
48 issuance of the mass marketed life and/or health
49 insurance policy and shall have been organized and
50 maintained in good faith for purposes other than that of
51 obtaining or providing insurance: *Provided, however*,
52 That the association shall also have been in active
53 existence for at least two years and shall have a
54 constitution and bylaws which provide that: (1) The
55 association holds annual meetings to further purposes of
56 its members; (2) except in the case of credit unions, the
57 association collects dues or solicits contributions from
58 members; and (3) the members have voting privileges
59 and representation on the governing board and
60 committees that exist under the authority of the
61 association: *Provided further*, That upon written
62 application by an association and for good cause shown,
63 the commissioner may grant an exemption to the
64 association from the minimum member requirements of
65 this section.

66 (f) This section shall apply also to any form used by
67 domestic insurers for delivery in a jurisdiction outside
68 West Virginia, if the insurance supervisory official of
69 such jurisdiction informs the commissioner that such
70 form is not subject to approval or disapproval by such
71 official, and upon the commissioner's order requiring
72 the form to be submitted to him for the purpose. The
73 applicable same standards shall apply to such forms as
74 apply to forms for domestic use.

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

[Handwritten signature]
.....
Chairman Senate Committee

[Handwritten signature]
..... Ernest C. Moore
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Handwritten signature]
.....
Clerk of the Senate

[Handwritten signature]
.....
Clerk of the House of Delegates

[Handwritten signature]
.....
President of the Senate

[Handwritten signature]
.....
Speaker House of Delegates

The within is approved this the *30th* day of *March*, 1994.

[Handwritten signature]
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 3/29/94

Time 11:37am