WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994

ENROLLED

SENATE BILL NO. 390

(By Senator Minard)

PASSED March 11, 1994

In Effect 90 days from Passage
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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 seventeen of this chapter (fire and marine forms), no
insurance policy form, no group certificate form, no
insurance application form where written application is
required and is to be made a part of the policy, and no
rider, endorsement or other form to be attached to any
policy, shall be delivered or issued for delivery in this
state by an insurer unless it has been filed with and
approved by the commissioner, except that as to group
insurance policies delivered outside this state, only the
group certificates to be delivered or issued for delivery
in this state shall be filed for approval with the
commissioner. This section shall not apply to policies,
riders, endorsements or forms of unique character
designed for and used with relation to insurance upon a
particular subject, or which relate to the manner of
distribution of benefits or to the reservation of rights
and benefits under life or accident and sickness
insurance policies, and are used at the request of the
individual policyholder, contract holder or certificate
holder, nor to the surety bond forms.

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

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

(d) The commissioner may, by order, exempt from the
requirements of this section for so long as he deems
proper any insurance document or form or type thereof
as specified in such order, to which, in his opinion, this
section may not practicably be applied, or the filing and
approval of which are, in his opinion, not desirable or
necessary for the protection of the public.
(e) Notwithstanding any other provisions of this section, any mass marketed life and/or health insurance policy offered to members of any association by the association shall be exempt from the provision requiring prior approval under this section: Provided, That for purposes of this section, the association shall have a minimum of sixty-one members at the outset of the issuance of the mass marketed life and/or health insurance policy and shall have been organized and maintained in good faith for purposes other than that of obtaining or providing insurance: Provided, however, That the association shall also have been in active existence for at least two years and shall have a constitution and bylaws which provide that: (1) The association holds annual meetings to further purposes of its members; (2) except in the case of credit unions, the association collects dues or solicits contributions from members; and (3) the members have voting privileges and representation on the governing board and committees that exist under the authority of the association: Provided further, That upon written application by an association and for good cause shown, the commissioner may grant an exemption to the association from the minimum member requirements of this section.

(f) This section shall apply also to any form used by domestic insurers for delivery in a jurisdiction outside West Virginia, if the insurance supervisory official of such jurisdiction informs the commissioner that such form is not subject to approval or disapproval by such official, and upon the commissioner's order requiring the form to be submitted to him for the purpose. The applicable same standards shall apply to such forms as apply to forms for domestic use.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Ernest E. Moore
Chairman House Committee

 Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

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

Governor
PRESENTED TO THE
GOVERNOR
Date 3/28/44
Time 11:37 a.m.