

SB # 524

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1994



ENROLLED

SENATE BILL NO. 524

(By Senators Wagner & Bailey)



PASSED March 11, 1994

In Effect 90 days from Passage

E N R O L L E D
Senate Bill No. 524

(BY SENATORS WAGNER AND BAILEY)

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

AN ACT to amend and reenact section two-a, article twelve, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to reducing continuing education requirements for certain persons selling preneed burial contracts.

Be it enacted by the Legislature of West Virginia:

That section two-a, article twelve, 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 12. AGENTS, BROKERS, SOLICITORS AND EXCESS LINE.

§33-12-2a. Duty to receive continuing education; educational 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 examina-
17 tion 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 as
24 the commissioner may exempt;

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

27 (3) Individuals selling only preneed burial insurance
28 contracts, under a certificate of authority issued
29 pursuant to article fourteen, chapter forty-seven of this
30 code: *Provided*, That any individual selling preneed
31 burial insurance contracts, under a certificate of
32 authority issued pursuant to said article shall complete
33 a program of continuing insurance education developed
34 by the board of insurance agent education and approved
35 by the commissioner which requires that the individual
36 complete six hours of continuing insurance education
37 biennially.

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

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

56 (d) Persons licensed to sell insurance and who are not
57 otherwise exempt shall satisfactorily complete the
58 courses or programs of instructions the commissioner
59 may prescribe.

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

68 (f) Any person, failing to meet the requirements
69 mandated in this section, and who has not been granted
70 an extension of time, with respect to such requirements,
71 or who has submitted to the commissioner a false or
72 fraudulent certificate of compliance shall, after a
73 hearing thereon, which hearing may be waived by the
74 person, be subjected to suspension of all licenses issued

75 for any kind or kinds of insurance. No further license
76 may be issued to the person for any kind or kinds of
77 insurance until he or she has demonstrated to the
78 satisfaction of the commissioner that he or she has
79 complied with all of the requirements mandated by this
80 section and all other applicable laws or rules.

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

86 (h) The commissioner is authorized to hire personnel
87 and make reasonable expenditures as deemed necessary
88 for purposes of establishing and maintaining a system of
89 continuing education for insurers.

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

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

..... 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 11:40 am