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
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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
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 examina-
tion 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;

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

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.

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

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.

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.

Chairman Senate Committee

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