WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1995

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ENROLLED

HOUSE BILL No. 2413

(By Delegate Gallagher and Maslott)

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Passed March 2, 1995

In Effect 90 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 mandatory continuing education for insurance agents, requiring that as a portion of their biennial continuing education quota all appointed health maintenance organization agents receive no less than six hours of continuing education on topics specific to health maintenance organizations; requiring that no program of insurance agent continuing education be approved which dictates more than six hours of continuing education biannually for insurance agents who sell only preneed burial insurance or insurance agents who sell insurance products only through scripted telephone presentations which presentations have been approved by the insurance commissioner.

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. Continuing education required.

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 es-
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. 
Each year after the first day of July, one thousand nine 
hundred ninety-seven, the program shall contain a 
requirement that any person appointed to be an agent on 
behalf of a licensed health maintenance organization at 
any time during the relevant biennium must, as a 
component of his or her mandatory continuing insurance 
education, complete a minimum of six hours of continu-
ing insurance education during the biennium which is on
topics specific to health maintenance organizations.

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. No program shall be approved by the commissioner that includes a requirement that any of the following individuals complete more than six hours of continuing insurance education biennially:

(A) Insurance agents who sell only preneed burial insurance contracts; and

(B) Insurance agents who engage solely in telemarketing insurance products by a scripted presentation which scripted presentation has been filed with and approved by the commissioner.

(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 instructions 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.

Chairman Senate Committee

Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker of the House of Delegates

The within is approved this the __th

day of ___, 1995.

Governor