WEST VIRGINIA LEGISLATURE 4: 44

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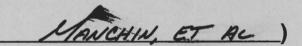
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REGULAR SESSION, 1996

ENROLLED

SENATE BILL NO. 393

(By Senator _



ARCH PASSED 9. 1996 In Effect OctoBER 1, 1996 Passage

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ENROLLED

Senate Bill No. 303

(By Senators Manchin, Helmick, Craigo, Dittmar, Sharpe, Wagner, Wooton, Kimble, Scott, Blatnik, Chafin, Wiedebusch and Yoder)

[Passed March 9, 1996; to take effect October 1, 1996.]

AN ACT to amend and reenact section ten, article six, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to standard provisions in insurance policies.

Be it enacted by the Legislature of West Virginia:

That section ten, 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.

§33-6-10. Standard provisions.

1 (a) Insurance contracts shall contain such standard 2 provisions as are required by the applicable provisions 3 of this chapter pertaining to contracts of particular 4 kinds of insurance. The commissioner may waive the 5 required use of a particular standard provision in a 6 particular insurance policy form, if he finds such provi7 sion unnecessary for the protection of the insured and
8 inconsistent with the purposes of the policy, and the
9 policy is otherwise approved by him.

10 (b) No policy shall contain any provision inconsistent with or contradictory to any standard provision used or 11 12 required to be used, but the commissioner may approve any substitute provision which is, in his opinion, not less 13 favorable in any particular to the insured or beneficiary 14 than the standard provisions or optional standard 15 16 provisions, otherwise required. This section shall not apply to the standard fire insurance policy. 17

18 (c) On or after the first day of October, one thousand nine hundred ninety-six, the insurer shall provide to all 19 prospective purchasers of individual life insurance 20 21 policies with a face value of twenty-five thousand dollars or less, a notice upon a form prescribed by the commis-22 sioner to such prospective policyholder that the total 23 premiums paid by the purchaser at some point in the 24 future may exceed the death benefit. For purposes of 25 26 calculating whether or at what point premiums paid by the policyholder will exceed the death benefit, the 27 insurer shall use the annual premium for the life insur-28 29 ance death benefit. All other costs, including, but not 30 limited to, costs for benefits provided pursuant to a policy rider, and costs associated with the exercise of 31 32any option permitted by the policy, shall be excluded from the calculation. This notice shall be provided at the 33 34 time of delivery of the policy. This subsection does not apply to mass market life insurance products as defined 35 36 in section thirty-five of this article, to life insurance 37 policies used exclusively to fund preneed burial contracts under article fourteen, chapter forty-seven of this 38 code or to life insurance policies for which the total 39 premiums paid by the purchaser will not at any time 40 exceed the death benefit. 41

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

Chairman Senate Committee House Committee Originated in the Senate. To take effect October 1, 1996. Clerk of the Senate Clerk of the House of Delegates President of the Senate Speaker House of Delegates The within 10 approved this the 1st

day of april... 1996. rnor

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PRESENTED TO THE GOVERNOR 128 1 Date 9:32 am Time _