

SB 303

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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1996



ENROLLED

SENATE BILL NO. 303

(By Senator MANCHIN, ET AL)



PASSED MARCH 9, 1996

In Effect OCTOBER 1, 1996 Passage

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OFFICE OF WEST VIRGINIA
SECRETARIAT STAFF

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 provi-
7 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
11 with or contradictory to any standard provision used or
12 required to be used, but the commissioner may approve
13 any substitute provision which is, in his opinion, not less
14 favorable in any particular to the insured or beneficiary
15 than the standard provisions or optional standard
16 provisions, otherwise required. This section shall not
17 apply to the standard fire insurance policy.

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

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

Wendy Schwaner
.....
Chairman Senate Committee

Randy Seaman
.....
Chairman House Committee

Originated in the Senate.
To take effect October 1, 1996.

David E. Phillips
.....
Clerk of the Senate

Bryson M. Broy
.....
Clerk of the House of Delegates

Carl Roy Tomblin
.....
President of the Senate

Carl Debus
.....
Speaker House of Delegates

The within *is approved* this the *1st*
day of *April*, 1996.

Gaston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date

3/28/96

Time

9:30am