

WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 2000



ENROLLED

House Bill No. 4705

(By Delegates H. White, Dempsey,
L. White, Kominar, Cann and Romine)



Passed March 9, 2000

In Effect Ninety Days from Passage

4705
MAR 13 2000
LEGISLATIVE SERVICES
CLERK OF HOUSE

ENROLLED

H. B. 4705

(BY DELEGATES H. WHITE, DEMPSEY,
L. WHITE, KOMINAR, CANN AND ROMINE)

[Passed March 9, 2000; 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 continuing education requirements for insurance agents.

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
2 education under guidelines set up under the insurance commis-
3 sioner's office, with the guidelines to be set up under the board
4 of insurance agent education. Nothing in this section prohibits
5 an individual from receiving commissions which have been

6 vested and earned while that individual maintained an approved
7 insurance agent's license.

8 (a) This section applies to persons licensed to engage in the
9 sale of the following types of insurance:

10 (1) Life insurance, annuity contracts, variable annuity
11 contracts and variable life insurance;

12 (2) Sickness, accident and health insurance;

13 (3) All lines of property and casualty insurance; and

14 (4) All other lines of insurance for which an examination is
15 required for licensing.

16 (b) This section does not apply to:

17 (1) Persons holding resident licenses for any kind or kinds
18 of insurance offered in connection with loans or other credit
19 transactions or insurance for which an examination is not
20 required by the commissioner, nor does it apply to any limited
21 or restricted license the commissioner may exempt; and

22 (2) Individuals selling credit life or credit accident and
23 health insurance.

24 (c)(1) The board of insurance agent education as estab-
25 lished by section two of this article shall develop a program of
26 continuing insurance education and submit the proposal for the
27 approval of the commissioner on or before the thirty-first day
28 of December of each year. Each year after the first day of July,
29 two thousand one, the program shall contain a requirement that
30 any person appointed to be an agent on behalf of a licensed
31 health maintenance organization at any time during the relevant
32 triennium must, as a component of his or her mandatory
33 continuing insurance education, complete a minimum of six

34 hours of continuing insurance education during the triennium
35 which is on topics specific to health maintenance organizations.

36 No program may be approved by the commissioner that
37 includes a requirement that any agent complete more than
38 twenty-four hours of continuing insurance education triennially.
39 No program may be approved by the commissioner that
40 includes a requirement that any of the following individuals
41 complete more than six hours of continuing insurance education
42 triennially:

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

45 (B) Insurance agents who engage solely in telemarketing
46 insurance products by a scripted presentation which scripted
47 presentation has been filed with and approved by the commis-
48 sioner.

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

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

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

65 or on behalf of, the organization sponsoring the courses,
66 programs or seminars of instruction.

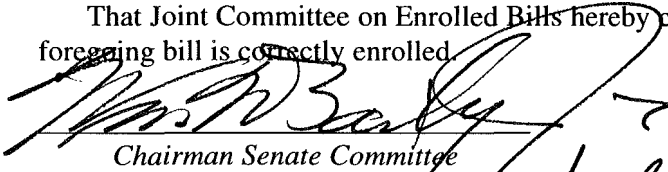
67 (f) Any person, failing to meet the requirements mandated
68 in this section, and who has not been granted an extension of
69 time, with respect to the requirements, or who has submitted to
70 the commissioner a false or fraudulent certificate of compliance
71 shall have his or her license automatically suspended and no
72 further license may be issued to the person for any kind or kinds
73 of insurance until the person demonstrates to the satisfaction of
74 the commissioner that he or she has complied with all of the
75 requirements mandated by this section and all other applicable
76 laws or rules.


77 (g) The commissioner shall notify the person of his or her
78 suspension pursuant to subsection (f) of this section by certified
79 mail, return receipt requested, to the last address on file with the
80 commissioner pursuant to section twenty-nine of this article.
81 Any person who has had a suspension order entered against him
82 or her pursuant to this section may, within thirty calendar days
83 of receipt of the order, file with the commissioner a request for
84 a hearing for reconsideration of the matter.

85 (h) Any person who does not satisfactorily demonstrate
86 compliance with this section and all other laws applicable
87 thereto as of the last day of the triennium following his or her
88 suspension shall have his or her license automatically canceled
89 and is subject to the education and examination requirements of
90 section two of this article.

91 (i) The commissioner is authorized to hire personnel and
92 make reasonable expenditures considered necessary for
93 purposes of establishing and maintaining a system of continuing
94 education for insurers.

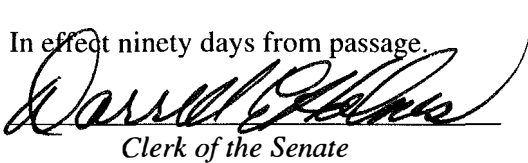
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.


Chairman Senate Committee

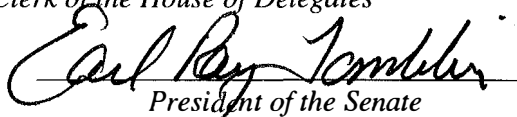

Chairman House Committee

Originating in the House.

In effect ninety days from passage.

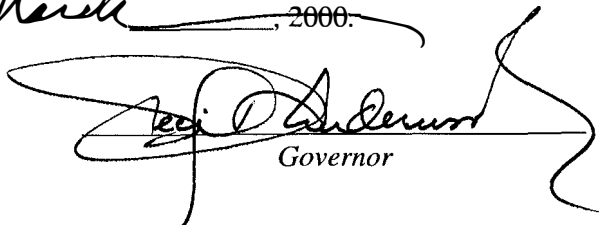

Clerk of the Senate


Clerk of the House of Delegates


President of the Senate


Speaker of the House of Delegates

The within approved this the 17th
day of March, 2000.


Governor

PRESENTED TO THE

GOVERNOR

Date 2/15/20

Time 10:16 am