WEST VIRGINIA LEGISLATURE
Regular Session, 2002

ENROLLED

SENATE BILL NO. 583

(By Senators Kessler and Minard)

PASSED March 9, 2002

In Effect 90 days from Passage
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Senate Bill No. 583

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[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to repeal section twenty-two, article one, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section two, article sixteen of said chapter, relating generally to group accident and sickness insurance; specifying eligible groups; eliminating erroneous definition of bona fide association; and clarifying entities to which certain licensed insurers may issue a group policy.

Be it enacted by the Legislature of West Virginia:

That section twenty-two, article one, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that section two, article sixteen of said chapter be amended and reenacted to read as follows:

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-2. Eligible groups.
Any insurer licensed to transact accident and sickness insurance in this state may issue group accident and sickness policies coming within any of the following classifications:

(a) A policy issued to an employer, who shall be considered the policyholder, insuring at least ten employees of such employer, for the benefit of persons other than the employer, and conforming to the following requirements:

(1) If the premium is paid by the employer the group shall comprise all employees or all of any class or classes thereof determined by conditions pertaining to the employment; or

(2) If the premium is paid by the employer and employees jointly, or by the employees, the group shall comprise not less than seventy percent of all employees of the employer or not less than seventy-five percent of all employees of any class or classes thereof determined by conditions pertaining to the employment;

(3) The term "employee" as used herein shall be considered to include the officers, managers and employees of the employer, the partners, if the employer is a partnership, the officers, managers and employees of subsidiary or affiliated corporations of a corporation employer, and the individual proprietors, partners and employees of individuals and firms, the business of which is controlled by the insured employer through stock ownership, contract or otherwise. The term "employer" as used herein may be considered to include any municipal or governmental corporation, unit, agency or department thereof and the proper officers, as such, of any unincorporated municipality or department thereof, as well as private individuals, partnerships and corporations.

(b) A policy issued to an association which has been in existence for at least one year, which has a constitution and bylaws and which has been organized and is main-
tained in good faith for purposes other than that of
obtaining insurance, insuring at least ten members of the
association for the benefit of persons other than the
association or its officers or trustees, as such;
(c) A policy issued to a bona fide association;
(d) A policy issued to a college, school or other institu-
tion of learning or to the head or principal thereof, insur-
ing at least ten students, or students and employees, of the
institution;
(e) A policy issued to or in the name of any volunteer fire
department, insuring all of the members of the department
or all of any class or classes thereof against any one or
more of the hazards to which they are exposed by reason
of the membership but in each case not less than ten
members;
(f) A policy issued to any person or organization to which
a policy of group life insurance may be issued or delivered
in this state, to insure any class or classes of individuals
that could be insured under the group life policy.
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 3rd Day of April, 2002.

Governor