

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
Regular Session, 2005

ENROLLED

SENATE BILL NO. 256

(By Senator Bailey, et al)

PASSED April 7, 2005

In Effect ninety days from Passage

FILED

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Senate Bill No. 256

(BY SENATORS BAILEY, DEMPSEY, FANNING, LOVE AND SHARPE)

[Passed April 7, 2005; in effect ninety days from passage.]

AN ACT to repeal §33-22-2a of the Code of West Virginia, 1931, as amended; to amend said code by adding thereto a new section, designated §33-17-6a; and to amend and reenact §33-22-2 of said code, all relating to flood insurance; requiring that certain insurance documents include a notice regarding the absence of flood insurance and the possible availability of flood insurance from other sources; requiring that farmer's mutual insurance companies include the notice; and making technical corrections to citations.

Be it enacted by the Legislature of West Virginia:

That §33-22-2a of the Code of West Virginia, 1931, as amended, be repealed; that said code be amended by adding thereto a new section, designated §33-17-6a; and that §33-22-2 of said code be amended and reenacted, all to read as follows:

ARTICLE 17. FIRE AND MARINE INSURANCE.

§33-17-6a. Notice of noncoverage of flood damages and the availability of flood insurance.

1 Every insurer issuing or renewing a policy that provides
2 fire insurance, as that term is defined in subsection (c),
3 section ten, article one of this chapter, but which does not
4 cover damages from flood, shall provide to the policy-
5 holder of every policy delivered in this state a notice that
6 provides as follows: THIS POLICY DOES NOT COVER
7 DAMAGE FROM FLOOD. FOR INFORMATION ABOUT
8 FLOOD INSURANCE, CONTACT THE NATIONAL
9 FLOOD INSURANCE PROGRAM OR YOUR INSUR-
10 ANCE AGENT.

ARTICLE 22. FARMERS' MUTUAL FIRE INSURANCE COMPANIES.

§33-22-2. Applicability of other provisions.

1 Each company to the same extent that provisions are
2 applicable to domestic mutual insurers shall be governed
3 by and be subject to the following provisions of this
4 chapter, but only to the extent these provisions are not
5 inconsistent with the provisions of this article: Article one
6 (definitions); article two (insurance commissioner); article
7 four (general provisions), except that section sixteen of
8 said article may not be applicable thereto; article seven
9 (assets and liabilities); article eight-a (use of clearing
10 corporations and federal reserve book-entry system);
11 article ten (rehabilitation and liquidation), except that
12 under the provisions of section thirty-two of said article
13 assessments may not be levied against any former member
14 of a farmers' mutual fire insurance company who is no
15 longer a member of the company at the time the order to
16 show cause was issued; article eleven (unfair trade prac-
17 tices); article twelve (insurance producers and solicitors),
18 except that the agent's license fee shall be five dollars;
19 section six-a, article seventeen (notice of noncoverage of
20 flood damages and the availability of flood insurance);
21 article twenty-six (West Virginia Insurance Guaranty
22 Association Act); article twenty-seven (insurance holding

23 company systems); article thirty (mine subsidence insur-
24 ance), except that under the provisions of section six of
25 said article a farmers' mutual insurance company shall
26 have the option of offering mine subsidence coverage to all
27 of its policyholders, but may not be required to do so;
28 article thirty-three (annual audited financial report);
29 article thirty-four (administrative supervision); article
30 thirty-four-a (standards and commissioner's authority for
31 companies considered to be in hazardous financial condi-
32 tion); article thirty-five (criminal sanctions for failure to
33 report impairment); article thirty-six (business transacted
34 with Producer-Controlled Property-Casualty Insurer Act);
35 article thirty-seven (managing general agents); article
36 thirty-nine (disclosure of material transactions); article
37 forty (risk-based capital for insurers); and article forty-one
38 (Insurance Fraud Prevention Act).

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

Chad White
.....
Chairman Senate Committee

W. Richard Breen
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Daniel E. Gohue
.....
Clerk of the Senate

Bryce M. Paul
.....
Clerk of the House of Delegates

Carl Ray Tomblin
.....
President of the Senate

Robert L. Stivers
.....
Speaker House of Delegates

The within *is approved* this the *21st*
Day of *April*, 2005.

Paul M. Kravitz
.....
Governor

PRESENTED TO THE
GOVERNOR

APR 15 2005

Time 12:20 pm