

SB 467 S

FILED

2006 APR -5 P 3:10

CLERK WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
Regular Session, 2006

**ENROLLED**

Committee Substitute for  
SENATE BILL NO. 467

(By Senator Jenkin )

PASSED March 11, 2006

In Effect 90 days from Passage

FILED

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OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 467**

(Senator Jenkins, *original sponsor*)

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[Passed March 11, 2006; in effect ninety days from passage.]

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AN ACT to amend and reenact §33-14-2 of the Code of West Virginia, 1931, as amended, relating to modifying the employee group requirements for group life insurance.

*Be it enacted by the Legislature of West Virginia:*

That §33-14-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 14. GROUP LIFE INSURANCE.**

**§33-14-2. Employee groups.**

1 The lives of a group of individuals may be insured under  
2 a policy issued to an employer, or to the trustees of a fund  
3 established by an employer, which employer or trustees  
4 shall be deemed the policyholder, to insure employees of  
5 the employer for the benefit of persons other than the  
6 employer, subject to the following requirements:

7 (a) The employees eligible for insurance under the policy  
8 shall be all of the employees of the employer, or all of any  
9 class or classes thereof determined by conditions pertain-  
10 ing to their employment. The policy may provide that the  
11 term "employees" shall include the employees of one or  
12 more subsidiary corporations and the employees, individ-  
13 ual proprietors and partners of one or more affiliated  
14 corporations, proprietors or partnerships if the business of  
15 the employer and of such affiliated corporations, propri-  
16 etors or partnerships is under common control through  
17 stock ownership, contract or otherwise. The policy may  
18 provide that the term "employees" shall include the  
19 individual proprietor or partners if the employer is an  
20 individual proprietor or a partnership. The policy may  
21 provide that the term "employees" shall include retired  
22 employees. No director of a corporate employer shall be  
23 eligible for insurance under the policy unless such person  
24 is otherwise eligible as a bona fide employee of the corpo-  
25 ration by performing services other than the usual duties  
26 of a director. No individual proprietor or partner shall be  
27 eligible for insurance under the policy unless he is actively  
28 engaged in and devotes a substantial part of his time to the  
29 conduct of the business of the proprietor or partnership.  
30 A policy issued to trustees may provide that the term  
31 "employees" shall include the trustees or their employees,  
32 or both, if their duties are principally connected with such  
33 trusteeship. A policy issued to insure the employees of a  
34 public body may provide that the term "employees" shall  
35 include elected or appointed officials.

36 (b) The premium for the policy shall be paid either from  
37 the employer's funds or from funds contributed by the  
38 insured employees, or both. Except as provided in subdi-  
39 vision (c) of this section, a policy on which no part of the  
40 premium is to be derived from funds contributed by the  
41 insured employees shall insure all eligible employees,  
42 except those who reject coverage in writing.

43 (c) An insurer may exclude or limit the coverage on any  
44 person as to whom evidence of individual insurability is  
45 not satisfactory to the insurer.

46 (d) The policy must cover at least two employees at date  
47 of issue.

48 (e) The amounts of insurance under the policy must be  
49 based upon some plan precluding individual selection  
50 either by the employees or by the employer or trustees.

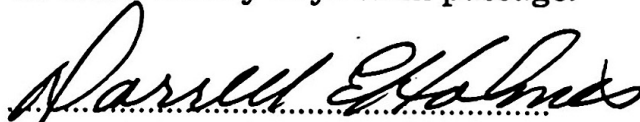
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
.....  
Chairman Senate Committee

  
.....  
Chairman House Committee


Originated in the Senate.

In effect ninety days from passage.

  
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Clerk of the Senate

  
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Clerk of the House of Delegates

  
.....  
President of the Senate

  
.....  
Speaker House of Delegates

The within is approved this the 4<sup>th</sup>  
Day of April ....., 2006.

  
.....  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 3 0 2006

Time 12:15 pm