

**H. B. 4254**

(By Delegates Perry, Ashley, Walters and Hall)  
[By request of the Insurance Commissioner]  
[Introduced January 23, 2012; referred to the  
Committee on Banking and Insurance then Finance.]

**FISCAL  
NOTE**

A BILL to amend and reenact §33-6-34 of the Code of West Virginia, 1931, as amended, relating to increasing the filing fees for insurers; permitting multiple insurers to make a single filing with a fee collected from each one; defining a term; and deleting an effective date.

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

That §33-6-34 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 6. THE INSURANCE POLICY.**

**§33-6-34. Fee for form, rate and rule filing.**

(a) As used in this section, "filing" means any form filing made pursuant to section eight of this article or any rule or rate filing made in accordance with any rate filing provisions of this chapter.

1        ~~(a)~~ (b) A fee of \$50 ~~for every form filing and \$75 for every~~  
2 ~~rate or rule filing~~ \$125 shall be submitted with each filing for  
3 each company. If a ~~form filing or rate or rule~~ filing is made on  
4 behalf of more than one insurer, other than a filing made by a  
5 rating organization licensed by the commissioner, ~~pursuant to~~  
6 ~~section six, article twenty of this chapter,~~ the applicable fee  
7 shall be ~~submitted as if the filing were made by each individual~~  
8 ~~insurer~~ \$125 multiplied by the number of insurers on whose behalf  
9 the filing is made. Fees submitted pursuant to this section shall  
10 not be refunded ~~if the form filing or rate or rule filing, for~~  
11 ~~which the fee was submitted, is disapproved, in whole or in part,~~  
12 ~~by the commissioner. The refiling and a resubmission of a form~~  
13 ~~filing or rate or rule filing previously disapproved by the~~  
14 commissioner shall be considered a new filing for the purposes of  
15 the filing fee. ~~Provided, That any~~ Any request by the commissioner  
16 for additional information pertaining to a ~~form~~ filing shall not be  
17 considered a new filing for purposes of the filing fee. All fees  
18 collected pursuant to this section shall be used ~~by the~~  
19 ~~commissioner~~ for the operation of the division offices of the  
20 Insurance Commissioner.

21        ~~(b)~~ This section as amended in the year 2002 applies to  
22 filings submitted after June 30, 2002. When there is a refiling  
23 after that date of a filing denied before July 1, 2002, the new  
24 filing fee structure applies and the fee shall be remitted when the

1 ~~form, rate or rule is refiled after June 30, 2002.~~

NOTE: The purpose of this bill is to increase the filing fees for insurers to \$125. The bill permits multiple insurers to make a single filing with the \$125 fee collected from each one. The bill defines a term and deletes an effective date.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.