

1 **Senate Bill No. 397**

2 (By Senators Minard and Beach)

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4 [Introduced January 24, 2012; referred to the Committee on
5 Banking and Insurance; and then to the Committee on Finance.]

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7 **FISCAL**
8 **NOTE**

9
10 A BILL to amend and reenact §33-6-34 of the Code of West
11 Virginia, 1931, as amended, relating to increasing the filing
12 fees for insurers; permitting multiple insurers to make a single
13 filing with a fee collected from each one; defining a term; and
14 deleting an effective date.

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

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

18 **ARTICLE 6. THE INSURANCE POLICY.**

19 **§33-6-34. Fee for form, rate and rule filing.**

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

24 ~~(a) (b) A fee of \$50 for every form filing and \$75 for every rate~~

1 ~~or rule filing~~ \$125 shall be submitted with each filing for each
2 company. If a ~~form filing or rate or rule~~ filing is made on
3 behalf of more than one insurer, other than a filing made by a
4 rating organization licensed by the commissioner, ~~pursuant to~~
5 ~~section six, article twenty of this chapter,~~ the applicable fee
6 shall be ~~submitted as if the filing were made by each individual~~
7 ~~insurer~~ \$125 multiplied by the number of insurers on whose behalf
8 the filing is made. Fees submitted pursuant to this section
9 shall not be refunded ~~if the form filing or rate or rule filing,~~
10 ~~for which the fee was submitted, is disapproved, in whole or in~~
11 ~~part, by the commissioner. The refiling and a resubmission of a~~
12 ~~form filing or rate or rule~~ filing previously disapproved by the
13 commissioner shall be considered a new filing for the purposes of
14 the filing fee. ~~Provided, That any~~ Any request by the
15 commissioner for additional information pertaining to a ~~form~~
16 filing shall not be considered a new filing for purposes of the
17 filing fee. All fees collected pursuant to this section shall be
18 ~~used by the commissioner for the operation of the division~~
19 offices of the insurance commissioner.
20 ~~(b) This section as amended in the year 2002 applies to filings~~
21 ~~submitted after June 30, 2002. When there is a refiling after~~
22 ~~that date of a filing denied before July 1, 2002, the new filing~~
23 ~~fee structure applies and the fee shall be remitted when the~~
24 ~~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.