

**H. B. 2096**

(By Delegate Caputo)

[Introduced January 19, 2015; referred to the  
Committee on Banking and Insurance then the Judiciary.]

A BILL to amend and reenact §33-2-21 of the Code of West Virginia, 1931, as amended, relating to granting the Insurance Commissioner the authority to regulate and penalize self-insured employers; providing for monetary penalties; and permitting noncompliant self-insured employers to become compliant without penalty.

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

That §33-2-21 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 2. INSURANCE COMMISSIONER.**

**§33-2-21. Authority of Insurance Commissioner to regulate workers' compensation industry and self-insured employers; authority of Insurance Commissioner to administer chapter twenty-three of the Code of West Virginia.**

(a) Upon the termination of the Workers' Compensation Commission pursuant to chapter twenty-three of this code, the powers and duties heretofore imposed upon the Workers'

1 Compensation Commission as they relate to general administration of ~~the provisions of said that~~  
2 chapter are hereby transferred to and imposed upon the Insurance Commissioner.

3 (b) Unless otherwise specified in chapter twenty-three of this code, upon termination of the  
4 Workers' Compensation Commission, the duties imposed upon the Workers' Compensation  
5 Commission as they relate to the award and payment of disability and death benefits and the review  
6 of claims in articles four and five of ~~said that~~ chapter will be imposed upon the Employers Mutual  
7 Insurance Company established pursuant to article two-c of ~~said that~~ chapter, a private carrier  
8 offering workers' compensation insurance in this state and self-insured employers. Whenever  
9 reference is made to the Workers' Compensation Commissioner in those articles, the duty prescribed  
10 shall apply to the Employers Mutual Insurance Company, a private carrier or self-insured employer,  
11 as applicable.

12 (c) From the effective date of this enactment, the Insurance Commissioner shall regulate all  
13 insurers licensed to transact workers' compensation insurance in this state and ~~all of the provisions~~  
14 ~~of this chapter shall apply to such~~ applies to those insurers, unless otherwise exempted by statute.

15 (d) Notwithstanding any provision of the code to the contrary the Insurance Commissioner  
16 shall regulate all self-insured employers in this state and this chapter shall apply to those insurers  
17 from the effective date of this subsection. Upon notice of noncompliance of this chapter by the  
18 Insurance Commissioner, a self-insured employer has ninety days to come into compliance.  
19 Thereafter, a noncompliant self-insured employer is subject to the penalties permitted by section six,  
20 article eleven of this chapter.

NOTE: The purpose of this bill is to grant the Insurance Commissioner the power to regulate and penalize self-insured employers. The bill also permits noncompliant employers to be compliant without penalty within ninety days after receiving notice of noncompliance. The bill also provides for monetary penalties.

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