WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2058

BY DELEGATE CAPUTO

[Introduced February 8, 2017; Referred to the Committee on Banking and Insurance then the Judiciary.]
A BILL to amend and reenact §33-20-5 of the Code of West Virginia, 1931, as amended, relating to insurance generally; and prohibiting the use of a credit score in casualty insurance rate filings.

Be it enacted by the Legislature of West Virginia:

That §33-20-5 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 20. RATES AND RATING ORGANIZATIONS.

§33-20-5. Disapproval of filings.

(a) If within the waiting period or any extension thereof as provided in subsection (e) of section four of this article, the commissioner finds that a filing does not meet the requirements of this article, he or she shall send to the insurer or rating organization which made such the filing, written notice of disapproval of such the filing specifying therein in what respects he or she finds such the filing fails to meet the requirements of this article and stating that such the filing shall does not become effective.

(b) If within thirty days after a special surety filing subject to subsection (f) of section four of this article or if within thirty days after a specific inland marine rate on a risk specially rated by a rating organization subject to subsection (g) of section four of this article has become effective, the commissioner finds that such the filing does not meet the requirements of this article, he or she shall send to the rating organization which made such the filing written notice of disapproval of such the filing specifying therein in what respects he or she finds that such the filing fails to meet the requirements of this article and stating when, within a reasonable period, thereafter, such filing shall be deemed the filing is no longer effective. Said The disapproval shall does not affect any contract made or issued prior to the expiration of the period set forth in said the notice.

(c) If at any time subsequent to the applicable review period provided for in subsection (a) or (b) of this section, the commissioner finds that a filing does not meet the requirements of this article, he or she shall, after notice and hearing to every insurer and rating organization which
made such the filing, issue an order specifying in what respects he or she finds that such the filing fails to meet the requirements of this article and stating when, within a reasonable period thereafter, such filing shall be deemed state when, within a reasonable period, the filing is no longer effective. Copies of said the order shall be sent to every such insurer and rating organization. Said The order shall does not affect any contract or policy made or issued prior to the expiration of the period set forth in said the order.

(d) Any A person or organization aggrieved with respect to any filing which is in effect may demand a hearing. thereon. If, after such the hearing, the commissioner finds that the filing does not meet the requirements of this article, he or she shall issue an order specifying in what respects he or she finds that such the filing fails to meet the requirements of this article and stating when, within a reasonable period thereafter, such filing shall be deemed state when, within a reasonable period, the filing is no longer effective. Said The order shall does not affect any contract or policy made or issued prior to the expiration of the period set forth in said the order.

(e) Any insurer or rating organization, in respect to any filing made by it which is not approved by the commissioner, may demand a hearing. thereon.

(f) No manual of classifications, rules, rating plans or any modification of any of the foregoing which establishes standards for measuring variations in hazards or expense provisions, or both, in the case of casualty insurance to which this article applies and no manual, minimum, class rate, rating schedule, rating plan, rating rule or any modification of any of the foregoing, in the case of fire insurance to which this article applies, and which has been filed pursuant to the requirements of section four of this article, shall be disapproved if the rates thereby produced meet the requirements of this article. None of the foregoing may consider credit scores as a factor.

(g) If, in the opinion of the commissioner, the rate or form filing made by an insurer is of such import that it will affect the public, he or she may, at his or her discretion, issue notice to such the insurer of a public hearing. The notice of public hearing to the insurer making such the form or rate filing shall be made by United States mail at least fifteen days prior to the hearing
Notice to the public shall be given by appropriate publication in a newspaper in the form and manner prescribed by chapter twenty-nine-a of this code. The holding of a public hearing as outlined in this subsection shall have the effect of eliminating the right of the party making such the filing to demand a hearing as stated in subsections (d) and (e) of this section.

NOTE: The purpose of this bill is to prohibit the use of a credit score in casualty insurance rate filings.

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