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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

Regular Session, 2002

ENROLLED

SENATE BILL NO. 583

(By Senators Kessler and Minard)

PASSED March 9, 2002

In Effect 90 days from Passage

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Senate Bill No. 583

(BY SENATORS KESSLER AND MINARD)

[Passed March 9, 2002; in effect ninety days from passage.]

AN ACT to repeal section twenty-two, article one, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section two, article sixteen of said chapter, relating generally to group accident and sickness insurance; specifying eligible groups; eliminating erroneous definition of bona fide association; and clarifying entities to which certain licensed insurers may issue a group policy.

Be it enacted by the Legislature of West Virginia:

That section twenty-two, article one, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that section two, article sixteen of said chapter be amended and reenacted to read as follows:

ARTICLE 16. GROUP ACCIDENT AND SICKNESS INSURANCE.

§33-16-2. Eligible groups.

1 Any insurer licensed to transact accident and sickness
2 insurance in this state may issue group accident and
3 sickness policies coming within any of the following
4 classifications:

5 (a) A policy issued to an employer, who shall be consid-
6 ered the policyholder, insuring at least ten employees of
7 such employer, for the benefit of persons other than the
8 employer, and conforming to the following requirements:

9 (1) If the premium is paid by the employer the group
10 shall comprise all employees or all of any class or classes
11 thereof determined by conditions pertaining to the em-
12 ployment; or

13 (2) If the premium is paid by the employer and employ-
14 ees jointly, or by the employees, the group shall comprise
15 not less than seventy percent of all employees of the
16 employer or not less than seventy-five percent of all
17 employees of any class or classes thereof determined by
18 conditions pertaining to the employment;

19 (3) The term "employee" as used herein shall be consid-
20 ered to include the officers, managers and employees of the
21 employer, the partners, if the employer is a partnership,
22 the officers, managers and employees of subsidiary or
23 affiliated corporations of a corporation employer, and the
24 individual proprietors, partners and employees of individ-
25 uals and firms, the business of which is controlled by the
26 insured employer through stock ownership, contract or
27 otherwise. The term "employer" as used herein may be
28 considered to include any municipal or governmental
29 corporation, unit, agency or department thereof and the
30 proper officers, as such, of any unincorporated municipal-
31 ity or department thereof, as well as private individuals,
32 partnerships and corporations.

33 (b) A policy issued to an association which has been in
34 existence for at least one year, which has a constitution
35 and bylaws and which has been organized and is main-

36 tained in good faith for purposes other than that of
37 obtaining insurance, insuring at least ten members of the
38 association for the benefit of persons other than the
39 association or its officers or trustees, as such;

40 (c) A policy issued to a bona fide association;

41 (d) A policy issued to a college, school or other institu-
42 tion of learning or to the head or principal thereof, insur-
43 ing at least ten students, or students and employees, of the
44 institution;

45 (e) A policy issued to or in the name of any volunteer fire
46 department, insuring all of the members of the department
47 or all of any class or classes thereof against any one or
48 more of the hazards to which they are exposed by reason
49 of the membership but in each case not less than ten
50 members;

51 (f) A policy issued to any person or organization to which
52 a policy of group life insurance may be issued or delivered
53 in this state, to insure any class or classes of individuals
54 that could be insured under the group life policy.

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

[Signature]
.....
Chairman Senate Committee

[Signature]
.....
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

[Signature]
.....
Clerk of the Senate

[Signature]
.....
Clerk of the House of Delegates

[Signature]
.....
President of the Senate

[Signature]
.....
Speaker House of Delegates

The within is approved this the 3rd
Day of April 2002.

[Signature]
.....
Governor

PRESENTED TO THE

GOV. OF

Date 3/25/02

Time 11:25 am