

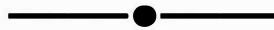
HB 4557

FILED

2008 MAR 31 PM 12: 25

SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008



ENROLLED

House Bill No. 4557

(By Delegates Ashley, Azinger, Hamilton,
Hartman, Kominar and Michael)



Passed March 8, 2008

In Effect Ninety Days from Passage

E N R O L L E D

FILED

2008 MAR 31 PM 12: 25

H. B. 4557

CLERK OF THE
SECRETARY OF STATE

(BY DELEGATES ASHLEY, AZINGER, HAMILTON,
HARTMAN, KOMINAR AND MICHAEL)

[Passed March 8, 2008; in effect ninety days from passage.]

AN ACT to amend and reenact §33-12-8 of the Code of West Virginia, 1931, as amended, relating to continuing education for individual insurance producers; allowing continuing education credit for active annual membership in professional organizations or associations; and providing for carry-over of hours of continuing education into the following biennial reporting period.

Be it enacted by the Legislature of West Virginia:

That §33-12-8 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 12. INSURANCE PRODUCERS AND SOLICITORS.

§33-12-8. Continuing education required.

1 The purpose of this provision is to provide continuing
2 education under guidelines set up under the Insurance
3 Commissioner's office, with the guidelines to be set up under
4 the Board of Insurance Agent Education.

5 (a) This section applies to individual insurance producers
6 licensed to engage in the sale of the following types of
7 insurance:

8 (1) *Life*. -- Life insurance coverage on human lives,
9 including benefits of endowment and annuities, and may
10 include benefits in the event of death or dismemberment by
11 accident and benefits for disability income;

12 (2) *Accident and health or sickness*. -- Insurance
13 coverage for sickness, bodily injury or accidental death and
14 may include benefits for disability income;

15 (3) *Property*. -- Property insurance coverage for the direct
16 or consequential loss or damage to property of every kind;

17 (4) *Casualty*. -- Insurance coverage against legal liability,
18 including that for death, injury or disability or damage to real
19 or personal property;

20 (5) *Variable life and variable annuity products*. --
21 Insurance coverage provided under variable life insurance
22 contracts and variable annuities;

23 (6) *Personal lines*. -- Property and casualty insurance
24 coverage sold to individuals and families for primarily
25 noncommercial purposes; and

26 (7) Any other line of insurance permitted under state laws
27 or regulations.

28 (b) This section does not apply to:

29 (1) Individual insurance producers holding limited line
30 credit insurance licenses for any kind or kinds of insurance
31 offered in connection with loans or other credit transactions

32 or insurance for which an examination is not required by the
33 commissioner, nor does it apply to any limited or restricted
34 license as the commissioner may exempt; and

35 (2) Individual insurance producers selling credit life or
36 credit accident and health insurance.

37 (c) (1) The Board of Insurance Agent Education as
38 established by section seven of this article shall develop a
39 program of continuing insurance education and submit the
40 proposal for the approval of the commissioner on or before
41 the thirty-first day of December of each year. No program
42 may be approved by the commissioner that includes a
43 requirement that any individual insurance producer complete
44 more than twenty-four hours of continuing insurance
45 education biennially. No program may be approved by the
46 commissioner that includes a requirement that any of the
47 following individual insurance producers complete more than
48 six hours of continuing insurance education biennially:

49 (A) Individual insurance producers who sell only preneed
50 burial insurance contracts; and

51 (B) Individual insurance producers who engage solely in
52 telemarketing insurance products by a scripted presentation
53 which scripted presentation has been filed with and approved
54 by the commissioner.

55 (C) The biennium mandatory continuing insurance
56 education provisions of this section become effective on the
57 reporting period beginning the first day of July, two thousand
58 six.

59 (2) The commissioner and the board, under standards
60 established by the board, may approve any course or program
61 of instruction developed or sponsored by an authorized

62 insurer, accredited college or university, agents' association,
63 insurance trade association or independent program of
64 instruction that presents the criteria and the number of hours
65 that the board and commissioner determine appropriate for
66 the purpose of this section.

67 (d) Individual insurance producers licensed to sell
68 insurance and who are not otherwise exempt shall
69 satisfactorily complete the courses or programs of
70 instructions the commissioner may prescribe.

71 (e) Every individual insurance producer subject to the
72 continuing education requirements shall furnish, at intervals
73 and on forms as may be prescribed by the commissioner,
74 written certification listing the courses, programs or seminars
75 of instruction successfully completed by the person. The
76 certification shall be executed by, or on behalf of, the
77 organization sponsoring the courses, programs or seminars of
78 instruction.

79 (f) Subject to the approval by the commissioner, the
80 active annual membership by an individual insurance
81 producer in an organization or association recognized and
82 approved by the commissioner as a state, regional or national
83 professional insurance organization or association may be
84 approved by the commissioner for up to two hours of
85 continuing insurance education: Provided, That not more than
86 two hours of continuing insurance education may be awarded
87 to an individual insurance producer for membership in a
88 professional insurance organization during a biennial
89 reporting period. Credit for continuing insurance education
90 pursuant to this subdivision may only be awarded to
91 individual insurance producers who are required to complete
92 more than six hours of continuing education biennially.

93 (g) Individual insurance producers who are required to
94 complete more than six hours of continuing education
95 biennially and who exceed the minimum continuing
96 education requirement for the biennial reporting period may
97 carry-over a maximum of six credit hours only into the next
98 reporting period.

99 (h) Any individual insurance producer failing to meet the
100 requirements mandated in this section and who has not been
101 granted an extension of time, with respect to the
102 requirements, or who has submitted to the commissioner a
103 false or fraudulent certificate of compliance shall have his or
104 her license automatically suspended and no further license
105 may be issued to the person for any kind or kinds of
106 insurance until the person demonstrates to the satisfaction of
107 the commissioner that he or she has complied with all of the
108 requirements mandated by this section and all other
109 applicable laws or rules.

110 (i) The commissioner shall notify the individual
111 insurance producer of his or her suspension pursuant to
112 subsection (h) of this section by certified mail, return receipt
113 requested, to the last address on file with the commissioner
114 pursuant to subsection (e), section nine of this article. Any
115 individual insurance producer who has had a suspension
116 order entered against him or her pursuant to this section may,
117 within thirty calendar days of receipt of the order, file with
118 the commissioner a request for a hearing for reconsideration
119 of the matter.

120 (j) Any individual insurance producer who does not
121 satisfactorily demonstrate compliance with this section and
122 all other laws applicable thereto as of the last day of the
123 biennium following his or her suspension shall have his or her
124 license automatically canceled and is subject to the education and
125 examination requirements of section five of this article.

126 (k) The commissioner is authorized to hire personnel and
127 make reasonable expenditures considered necessary for
128 purposes of establishing and maintaining a system of
129 continuing education for insurers. The commissioner shall
130 charge a fee of twenty-five dollars to continuing education
131 providers for each continuing education course submitted for
132 approval which shall be used to maintain the continuing
133 education system. The commissioner may, at his or her
134 discretion, designate an outside administrator to provide all
135 of or part of the administrative duties of the continuing
136 education system subject to direction and approval by the
137 commissioner. The fees charged by the outside administrator
138 shall be paid by the continuing education providers. In
139 addition to fees charged by the outside administrator, the
140 outside administrator shall collect and remit to the
141 commissioner the twenty-five dollar course submission fee.

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



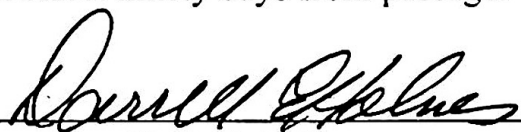
Chairman Senate Committee



Chairman House Committee

Originating in the House.


In effect ninety days from passage.



Clerk of the Senate



Clerk of the House of Delegates



President of the Senate



Speaker of the House of Delegates

The within is approved this the 28th
day of March, 2008.



Governor

PRESENTED TO THE
GOVERNOR

MAR 25 2008

Time 10:35 AM