

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2125**

BY DELEGATE CAPUTO

[Introduced January 9, 2019; Referred  
to the Committee on Banking and Insurance then  
Judiciary ]

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

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

**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 23 of the Code of West Virginia.**

1 (a) Upon the termination of the Workers' Compensation Commission pursuant to chapter  
 2 23 of this code, the powers and duties heretofore imposed upon the Workers' Compensation  
 3 Commission as they relate to general administration of ~~the provisions of said~~ that chapter are  
 4 hereby transferred to and imposed upon the Insurance Commissioner.

5 (b) Unless otherwise specified in chapter 23 of this code, upon termination of the Workers'  
 6 Compensation Commission, the duties imposed upon the Workers' Compensation Commission  
 7 as they relate to the award and payment of disability and death benefits and the review of claims  
 8 in §23-4-1 *et seq.* and §23-5-1 *et seq.* of this code will be imposed upon the Employers Mutual  
 9 Insurance Company established pursuant to §23-2C-1 *et seq.* of this code, a private carrier  
 10 offering workers' compensation insurance in this state and self-insured employers. Whenever  
 11 reference is made to the Workers' Compensation Commissioner in those articles, the duty  
 12 prescribed ~~shall apply~~ applies to the Employers Mutual Insurance Company, a private carrier or  
 13 self-insured employer, as applicable.

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

18           (d) Notwithstanding any provision of the code to the contrary the Insurance Commissioner  
19 shall regulate all self-insured employers in this state and this chapter applies to those insurers  
20 from the effective date of this subsection. Upon notice of noncompliance of this chapter by the  
21 Insurance Commissioner, a self-insured employer has 90 days to come into compliance.  
22 Thereafter, a noncompliant self-insured employer is subject to the penalties permitted by §23-11-  
23 6 of this code.

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 90 days after receiving notice of noncompliance. The bill also allows monetary penalties.

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