

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 5082

By Delegates Brooks, Chiarelli, Horst, E. Pritt, and

Gearheart

[Introduced January 25, 2024; Referred to the

Committee on Banking and Insurance then

Government Organization]

1 A BILL to amend and reenact §33-12-8 of the Code of West Virginia, 1931, as amended, relating to
 2 exempting those insurance employees with 20 years of holding an insurance license from
 3 attaining additional continuing education; and naming this exception as the "Insurance
 4 Continuing Education Responsibility Act."

Be it enacted by the Legislature of West Virginia:

ARTICLE 12. INSURANCE PRODUCERS AND SOLICITORS.

§33-12-8. Continuing education required; exceptions.

1 The purpose of this section is to provide continuing education requirements under
 2 guidelines set up under the Insurance Commissioner’s office in conjunction with the Board of
 3 Insurance Agent Education.

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

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

9 (2) *Accident and health or sickness.* — Insurance coverage for sickness, bodily injury, or
 10 accidental death and may include benefits for disability income;

11 (3) *Property.* — Property insurance coverage for the direct or consequential loss or
 12 damage to property of every kind;

13 (4) *Casualty.* — Insurance coverage against legal liability, including that for death, injury, or
 14 disability or damage to real or personal property;

15 (5) *Variable life and variable annuity products.* — Insurance coverage provided under
 16 variable life insurance contracts and variable annuities;

17 (6) *Personal lines.* — Property and casualty insurance coverage sold to individuals and
 18 families for primarily noncommercial purposes; and

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

20 (b) This section does not apply to:

21 (1) Individual insurance producers holding limited line credit insurance licenses for any
22 kind or kinds of insurance offered in connection with loans or other credit transactions or insurance
23 for which an examination is not required by the commissioner, nor does it apply to any limited or
24 restricted license as the commissioner may exempt; and

25 (2) Individual insurance producers selling credit life or credit accident and health
26 insurance.

27 (c)(1) The Board of Insurance Agent Education as established by §33-12-7 of this code
28 shall develop a program of continuing insurance education and submit the proposal for the
29 approval of the commissioner on or before December 31 of each year. No program may be
30 approved by the commissioner that includes a requirement that any individual insurance producer
31 complete more than 24 hours of continuing insurance education biennially. No program may be
32 approved by the commissioner that includes a requirement that any of the following individual
33 insurance producers complete more than six hours of continuing insurance education biennially:

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

35 (B) Individual insurance producers who engage solely in telemarketing insurance products
36 by a scripted presentation which scripted presentation has been filed with and approved by the
37 commissioner.

38 (C) The biennium mandatory continuing insurance education provisions of this section
39 become effective on the reporting period beginning July 1, 2006.

40 (2) The commissioner and the board, under standards established by the board, may
41 approve any course or program of instruction developed or sponsored by an authorized insurer,
42 accredited college or university, agents' association, insurance trade association, or independent
43 program of instruction that presents the criteria and the number of hours that the board and
44 commissioner determine appropriate for the purpose of this section.

45 (d) Individual insurance producers licensed to sell insurance and who are not otherwise

46 exempt shall satisfactorily complete the courses or programs of instructions the commissioner
47 may prescribe.

48 (e) Every individual insurance producer subject to the continuing education requirements
49 shall furnish, at intervals and on forms as may be prescribed by the commissioner, written
50 certification listing the courses, programs, or seminars of instruction successfully completed by the
51 person. The certification shall be executed by, or on behalf of, the organization sponsoring the
52 courses, programs, or seminars of instruction.

53 (f) Subject to the approval by the commissioner, the active annual membership by an
54 individual insurance producer in an organization or association recognized and approved by the
55 commissioner as a state, regional, or national professional insurance organization or association
56 may be approved by the commissioner for up to two hours of continuing insurance education:
57 *Provided*, That not more than two hours of continuing insurance education may be awarded to an
58 individual insurance producer for membership in a professional insurance organization during a
59 biennial reporting period. Credit for continuing insurance education pursuant to this subdivision
60 may only be awarded to individual insurance producers who are required to complete more than
61 six hours of continuing education biennially.

62 (g) Individual insurance producers who are required to complete more than six hours of
63 continuing education biennially and who exceed the minimum continuing education requirement
64 for the biennial reporting period may carry-over a maximum of six credit hours only into the next
65 reporting period.

66 (h) Any individual insurance producer failing to meet the requirements mandated in this
67 section and who has not been granted an extension of time, with respect to the requirements, or
68 who has submitted to the commissioner a false or fraudulent certificate of compliance shall have
69 his or her license automatically suspended and no further license may be issued to the person for
70 any kind or kinds of insurance until the person demonstrates to the satisfaction of the
71 commissioner that he or she has complied with all of the requirements mandated by this section

72 and all other applicable laws or rules.

73 (i) The commissioner shall notify the individual insurance producer of his or her suspension
74 pursuant to §33-12-8(h) of this code by electronic mail or regular mail, if requested, to the last
75 respective address on file with the commissioner pursuant to §33-12-9(f) of this code. Any
76 individual insurance producer who has had a suspension notice entered against him or her
77 pursuant to this section may, within 30 calendar days of receipt of the notice, file with the
78 commissioner a request for a hearing for reconsideration of the matter.

79 (j) Any individual insurance producer who does not satisfactorily demonstrate compliance
80 with this section and all other laws applicable thereto as of the last day of the biennium following
81 his or her suspension shall have his or her license automatically canceled and is subject to the
82 education and examination requirements of §33-12-5 of this code.

83 (k) The commissioner is authorized to hire personnel and make reasonable expenditures
84 considered necessary for purposes of establishing and maintaining a system of continuing
85 education for insurers. The commissioner shall charge a fee of \$25 to continuing education
86 providers for each continuing education course submitted for approval which shall be used to
87 maintain the continuing education system. The commissioner may, at his or her discretion,
88 designate an outside administrator to provide all of or part of the administrative duties of the
89 continuing education system subject to direction and approval by the commissioner. The fees
90 charged by the outside administrator shall be paid by the continuing education providers. In
91 addition to fees charged by the outside administrator, the outside administrator shall collect and
92 remit to the commissioner the \$25 course submission fee.

93 (l) "Insurance Continuing Education Responsibility Act." – Those persons who have held an
94 insurance license for 20 years or more are exempt from the requirement to attain continuing
95 education under this section. He or she may attend continuing education, but it is not a
96 requirement.

NOTE: The purpose of this bill is to exempt persons who have held an insurance license for 20 years or more from the requirement to attend continuing education courses.

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