

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

### **Committee Substitute**

**for**

### **House Bill 5082**

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

Gearheart

[Originating in the Committee on Government

Organization; Reported on February 14, 2024]



1 A BILL to amend and reenact §33-12-8 of the Code of West Virginia, 1931, as amended, relating to  
2 creating an exception to certain continuing-education requirements for certain holders of an  
3 insurance license; providing that persons 55 years of age or older who have held an  
4 insurance license for 25 continuous years are exempt from continuing-education  
5 requirements; providing that persons qualifying for that exemption are still required to meet  
6 any continuing-education requirements that pertain to ethics.

*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) Those persons who have held an insurance license for 25 continuous years or more are  
94 exempt from the requirement to attain continuing education under this section. He or she may

95 attend continuing education, but it is not a requirement: *Provided*, That any continuing education  
96 requirements related to ethics required by the commissioner shall be required without regard to  
97 the period of time an agent has been licensed.

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.