

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3169

By Delegates Fehrenbacher, Hall, Parsons, and Hott

[Introduced March 05, 2025; referred to the
Committee on Finance]

1 A BILL to amend and reenact §33-11A-7 of the Code of West Virginia, 1931, as amended, relating
2 to the Insurance Sales Consumer Protection Act; prohibiting referrals by unlicensed
3 persons; and requiring persons who may make referrals to establish safeguard procedures
4 to protect unethical telemarketing practices.

Be it enacted by the Legislature of West Virginia:

ARTICLE 11A. INSURANCE SALES CONSUMER PROTECTION ACT.

§33-11A-7. Referrals by unlicensed persons allowed; .

1 (a) A person who is not licensed to sell insurance may refer a customer who seeks to
2 purchase, or seeks an opinion or advice on, any insurance product to a person, or provide the
3 phone number of a person, who sells or provides opinions or advice on such product, only if the
4 person making the referral receives no fee or only a nominal fee for such referral and such fee is
5 not based on the customer's application for or purchase of insurance.

6 (b) For purposes of this section "nominal fee" means a one-time fee of \$100 or less.

1 (c) An issuer who directly or through its producers or a producer who makes payments for
2 referrals by unlicensed persons shall establish procedures to assure that any efforts by unlicensed
3 persons, acting directly or through subcontractors or vendors, that seek to identify potential
4 customers:

5 (1) Do not use autodialed, prerecorded or artificial voice telemarketing calls without first
6 obtaining express written consent from the person in whose name the receiving device is
7 registered.

8 (2) Do not place calls to device whose number is listed on the National Do Not Call Registry
9 administered by the Federal Communications Commission.

10 (3) Do not display false or misleading caller identification information to a recipient's
11 device.

12 (4) Do not identify themselves or allow themselves to be to be identified as agents by any
13 other title requiring a license.

NOTE: The purpose of this bill is to prohibit referrals by unlicensed persons under the Insurance Sales Consumer Protection Act and require persons who may make referrals to establish safeguard procedures to protect unethical telemarketing practices.

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