

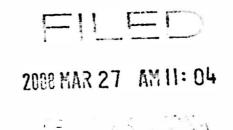
WEST VIRGINIA LEGISLATURE SEVENTY-EIGHTH LEGISLATURE REGULAR SESSION, 2008

ENROLLED

Senate Bill No. 653

(By Senators Minard and White)

[Passed March 7, 2008; in effect ninety days from passage.]



ENROLLED

Senate Bill No. 653

(By Senators Minard and White)

[Passed March 7, 2008; in effect ninety days from passage.]

AN ACT to amend and reenact §33-6-5a of the Code of West Virginia, 1931, as amended, relating to application requirements for life and accident and sickness insurance and permitting internet sales of and applications for life and accident and sickness insurance.

Be it enacted by the Legislature of West Virginia:

That §33-6-5a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 6. THE INSURANCE POLICY.

§33-6-5a. Application for life or accident and sickness

insurance; signatures required; exemptions; right of insured to return policy.

- 1 (a) All applications for life or accident and sickness
- 2 insurance, as defined in section ten, article one of this
- 3 chapter, to be issued in this state shall:
- 4 (1) If application is made by the proposed insured,
- 5 include the signature of both the proposed insured and
- 6 the agent;
- 7 (2) If application is made by the proposed insured, be
- 8 completed by a licensed and appointed agent in the
- 9 presence of the proposed insured;
- 10 (3) If application is made by a spouse upon the other
- 11 spouse, include the signature of the spouse procuring
- 12 the insurance and the agent; or
- 13 (4) If application is made by any person having an
- insurable interest in the life of a minor, or any person
- 15 upon whom a minor is dependent for support and
- 16 maintenance, include the signature of the person
- 17 procuring the insurance and the agent.
- 18 (b) Upon the hand delivery of a policy of life or
- 19 accident and sickness insurance, a delivery receipt shall
- 20 be signed and dated by the insured and returned to the
- 21 insurer for filing.
- 22 If the delivery of a policy of life or accident and
- 23 sickness insurance is by mail, it shall either: (1) Be sent
- 24 by certified mail from the insurer, return receipt
- 25 requested, and the date of receipt noted on the receipt is
- 26 the date of receipt for the purposes of section eleven-b

- 27 of this article; or (2) the insurer shall prepare a
- 28 certificate of mailing. For the purposes of this section,
- 29 a certificate of mailing means a record prepared and
- 30 retained in accordance with general business practices
- 31 indicating the date that the policy was mailed to the
- 32 insured and it is presumed that the policy was received
- 33 by the insured twenty days from the date of mailing.
- 34 (c) Any amendments to the application after it is
- 35 originally signed by the proposed insured shall be
- 36 expressly disclosed in writing to the proposed insured
- 37 and his or her signature is obtained to verify agreement
- 38 with the changes: Provided, That the failure of the
- 39 insurer to notify the insured of any change, or the
- 40 failure of the insured to execute the signature, does not
- 41 invalidate the existence of insurance coverage.
- 42 (d) The following shall be exempt from the
- 43 requirements of subdivisions (1), (2), (3) and (4),
- 44 subsection (a) of this section:
- 45 (1) Group life or group accident and sickness
- 46 insurance applications if the insurer accepts all
- 47 prospective principal insureds with no underwriting
- 48 restrictions on the individual proposed insureds;
- 49 (2) Group life or group accident and sickness
- insurance applications if there is underwriting as to the
- 51 individual proposed insureds and the applications are
- 52 completed without a licensed and appointed agent
- 53 present, but the insurer verifies the information on the
- 54 application by telephone with the proposed insured;
- 55 (3) Applications for life or accident and sickness
- 56 insurance if the insurance is solely mass marketed and

- 57 the only contact with the insured is by mail, mass media
- 58 or telephone; and
- 59 (4) Applications for life or accident and sickness
- 60 insurance if the insurer is an underwriter for
- 61 supplemental retirement plans and additional
- 62 retirement plans provided to eligible employees of the
- 63 governing boards of state institutions of higher
- 64 education pursuant to the provisions of section four-a,
- article twenty-three, chapter eighteen of this code.
- 66 (e) The taking of an application for life or accident and
- 67 sickness insurance and otherwise completing a
- 68 transaction electronically is exempt from the
- 69 requirements of subdivision (2), subsection (a) of this
- 70 section.

The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.
Chairman Senate Committee
Chairman House Committee Originated in the Senate.
In effect ninety days from passage. Clerk of the Senate
Clerk of the House of Delegates
President of the Senate
Speaker House of Delegates
The within Is application this
the 274 Day of , 2008.

PRESENTED TO THE GOVERNOR

MAR 2 1 2008

Time