

SB 278

FILED

2009 MAY -7 PM 3: 31

OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

SEVENTY-NINTH LEGISLATURE

REGULAR SESSION, 2009

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 278

(SENATORS MINARD, original sponsor)

[Passed April 11, 2009; in effect ninety days from passage.]

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AN ACT to amend and reenact §33-15E-15 of the Code of West Virginia, 1931, as amended, relating to the criminal offenses for failing to provide benefits of a discount medical plan or discount prescription drug plan; clarifying that the severity of the offense is dependant on the total of fees collected; and providing for an alternate sentence upon conviction of the felony offense.

Be it enacted by the Legislature of West Virginia:

That §33-15E-15 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 15E. DISCOUNT MEDICAL PLAN ORGANIZATIONS AND
DISCOUNT PRESCRIPTION DRUG PLAN ORGANIZA-
TIONS ACT.**

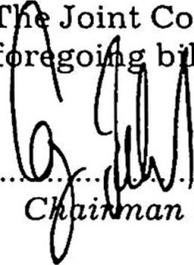
§33-15E-15. Criminal penalties.

1 (a) A person that willfully operates as or aids and abets
2 another operating as a discount medical plan organization
3 in violation of subsection (a), section four of this article is
4 guilty of a felony and, upon conviction thereof, shall be
5 fined not more than \$20,000 for each unauthorized act or
6 imprisoned in the state correctional facility not less than
7 one nor more than five years, or both fined and impris-
8 oned.

9 (b) No person shall collect a fee for purported member-
10 ship in a discount medical plan or discount prescription
11 drug plan and knowingly and willfully fail to provide the
12 promised benefits of the plan. (1) Any person who violates
13 this subsection and in doing so collects fees totaling \$1,000
14 or more is guilty of a felony and, upon conviction thereof,
15 shall be fined not more than \$2,500 or imprisoned in a
16 state correctional facility not less than one nor more than
17 ten years or, in the discretion of the court, be confined in
18 jail for not more than one year, or both fined and impris-
19 oned or confined.

20 (2) Any person who violates this subsection and in
21 doing so collects fees totaling less than \$1,000 is guilty of
22 a misdemeanor and, upon conviction thereof, shall be
23 fined not more than \$2,500 or confined in jail not more
24 than one year, or both fined and confined.

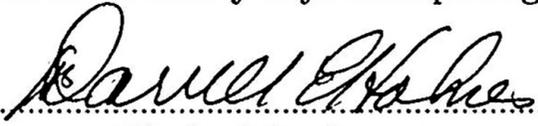
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

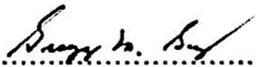

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Chairman Senate Committee

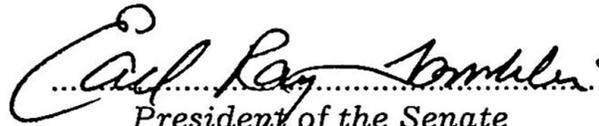

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.


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Clerk of the Senate


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Clerk of the House of Delegates


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President of the Senate


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Speaker House of Delegates

The within *is approved* this the *7th*
Day of *May*, 2009.


.....
Governor

PRESENTED TO THE
GOVERNOR

MAY 6 2009

Time 11:05 am