

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4359

BY DELEGATES WESTFALL AND PORTERFIELD

(BY REQUEST OF THE WEST VIRGINIA INSURANCE
COMMISSION)

[Introduced January 15, 2020; Referred to the
Committee on Banking and Insurance.]

1 A BILL to amend and reenact §33-6-34 of the Code of West Virginia, 1931, as amended, relating
2 to increasing the filing fees for insurers; permitting multiple insurers to make a single filing
3 with a fee collected from each one; defining a term; and deleting an effective date.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. THE INSURANCE POLICY.

§33-6-34. Fee for form, rate, and rule filing.

1 (a) As used in this section, "filing" means any form filing made pursuant to §33-6-8 of this
2 code or any rule or rate filing made in accordance with any rate filing provisions of §33-1-1 et seq.
3 of this code.

4 ~~(a) (b)~~ A fee of ~~\$50~~ \$100 for every form filing and ~~\$75~~ for every rate or rule filing shall be
5 submitted with each filing for each insurer, irrespective of the number of forms, rules, or rates
6 included within or affected by the filing. If a form filing or rate or rule filing is made on behalf of
7 more than one insurer, other than a filing made by a rating organization licensed by the
8 commissioner, ~~pursuant to section six, article twenty of this chapter~~ the applicable fee shall be
9 ~~submitted as if the filing were made by each individual insurer~~ \$100 multiplied by the number of
10 insurers on whose behalf the filing is made. Fees submitted pursuant to this section shall may not
11 be refunded if ~~the form filing or rate or rule filing, for which the fee was submitted, is disapproved,~~
12 ~~in whole or in part, by the commissioner.~~ The refiling and a resubmission of a form filing or rate
13 ~~or rule~~ filing previously disapproved by the commissioner shall be considered a new filing for the
14 purposes of the filing fee. ~~∴ Provided, That~~ Any request by the commissioner for additional
15 information pertaining to a form filing shall not be considered a new filing for purposes of the filing
16 fee. All fees collected pursuant to this section shall be used ~~by the commissioner~~ for the operation
17 of the ~~division~~ offices of the Insurance Commissioner.

18 ~~(b) This section as amended in the year 2002 applies to filings submitted after June 30,~~
19 ~~2002. When there is a refiling after that date of a filing denied before July 1, 2002, the new filing~~

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20 ~~fee structure applies and the fee shall be remitted when the form, rate or rule is refiled after June~~
21 ~~30, 2002~~

NOTE: The purpose of this bill is to provide a uniform definition of "filing" and set a flat filing fee regarding insurance forms, rules, and rates.

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