

WEST VIRGINIA ADMINISTRATIVE REGULATION
INSURANCE COMMISSIONER

No. 2
1966

LICENSING AND CONDUCT OF AGENTS,
BROKERS AND SOLICITORS

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T/Ac 114
Legislative Rule

~~WEST VIRGINIA ADMINISTRATIVE REGULATION~~
INSURANCE COMMISSIONER

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE 12-10-82
Administrative Law Division

No. 2
~~1966~~

Licensing and Conduct of Agents, Brokers and Solicitors

Section 1. General

1:01 Identification of Rule - This regulation is an Interpretive Rule, as defined by the provisions of Chapter 29A, Article 1, Section 2(c) of the Code of West Virginia of 1931, as amended.

1:02 Reference - This regulation relates to Chapter 33, Article 12 of the Code of West Virginia of 1931, as amended.

1:03 Authority - This regulation is promulgated under the authority vested in the Insurance Commissioner by Chapter 33, Article 2, Section 10 of the Code of West Virginia of 1931, as amended.

1:04 Scope - This regulation establishes the general requirements and practices of Agents, Brokers and Solicitors.

1:05 Effective Date - This regulation is promulgated Oct 13, 1966 on September 13, 1966, and becomes effective 30 days thereafter.

1:06 Filing Date - This regulation was filed in the Office of the Secretary of State on September 13, 1966.

~~1:07 Certification - This regulation is certified authentic by the Insurance Commissioner of West Virginia by Certification Number 2.~~

Section 2. Requirements for Licensing

2:01 Trustworthiness - Insurers making requisitions for agents' licenses shall make an investigation as to the suitability of the appointee for the agent's license. The requisitioning company shall, prior to submitting the requisition to this department, satisfy itself that the appointee is a suitable person and is trustworthy and qualified to act as its agent. The Insurance Commissioner may, at any time, direct the requisitioning company to furnish proof that said company has made such investigation and that the investigation was made prior to the execution of the requisition.

2:02 Competency - The competency of persons applying to the Insurance Commissioner for an agent's license shall be determined by examination with the exception of those persons qualifying under 2:03 of this regulation.

2:03 Waiver of Examination - The Insurance Commissioner will not require an examination as proof of competency for those persons applying to this department for an agent's license if such person holds the designation of Chartered Life Underwriter or Chartered Property Casualty Underwriter, or if such person has satisfied the Insurance Commissioner as to his competency in insurance.

2:04 Re-examination - Automobile Lines - All agents, except those who qualify under 2:03, presently licensed by this department to sell casualty lines or automobile lines must be re-examined by this department to maintain such license if all of the following conditions exist:

(1) The agent is appointed by a company qualified to write automobile liability insurance, and

(2) The agent has been licensed to write automobile liability insurance for a period of five (5) years prior to such appointment described in item (1), and

(3) The agent has not, in fact, for a period of five (5) years prior to such appointment referred to in item (1) herein, actively represented a company qualified to write automobile liability insurance.

The phrase "qualified to write automobile liability insurance" shall be defined as being all licensed casualty companies who have had approved by this department the necessary rate and form filings for automobile liability insurance.

2:05 Re-examination - Miscellaneous Casualty Lines - All agents, except those who qualify under 2:03, presently licensed by this department to sell miscellaneous casualty lines of insurance must be re-examined by this department to maintain such license if all of the following conditions exist:

(1) The agent is appointed by a company qualified to write miscellaneous casualty insurance, and

(2) The agent has been licensed to write miscellaneous casualty insurance for a period of five (5) years prior to such appointment described in item (1), and

(3) The agent has not, in fact, for a period of five (5) years prior to such appointment referred to in item (1) herein, actively represented a company qualified to write miscellaneous casualty insurance.

The phrase "qualified to write miscellaneous casualty insurance" shall be defined as being all licensed casualty companies who have had approved by this department the necessary rate and form filings for miscellaneous casualty insurance.

2:06 Re-examination After Cancellation - If, for any period longer than forty-five days, records in this department indicate that an agent is appointed by no company, his license shall be cancelled. After one year from the date of cancellation, no such cancelled license shall be renewed without examination.

2:07 Repeating Examinations - All persons having taken the examination as required by 2:02, 2:04, 2:05 and 2:06 may repeat any examination after the first failure on the next scheduled date; after the second failure he must wait thirty days; after the third failure he must wait ninety days.