

WEST VIRGINIA ADMINISTRATIVE REGULATION
INSURANCE COMMISSIONER

No. 3
1967

CANCELLATION OF AUTOMOBILE
LIABILITY POLICIES

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

TABLE OF CONTENTS

Section 1. General

- 1:01 Identification of Rule
- 1:02 Reference
- 1:03 Authority
- 1:04 Scope
- 1:05 Effective Date
- 1:06 Filing Date
- 1:07 Certification

Section 2. Informal Procedure for Review of Complaint
Regarding Cancellation or Non-Renewal

- 2:01 General
- 2:02 Complaints Filed in Person or in Writing
- 2:03 Policies and Allied Correspondence
Needed for Review
- 2:04 Decision That Favors Respondent Insurer
- 2:05 Explanation by Respondent Insurer
- 2:06 Letter of Recommendation
- 2:07 Variance in Procedure Not Prejudicial
- 2:08 Compliance With Forty-five Day Requirement

Section 3. Hearing Regarding Cancelling and Non-Renewal

- 3:01 Hearing at Request of Complainant
- 3:02 Hearing at Request of Respondent Insurer
- 3:03 Hearing Called by Insurance Commissioner
- 3:04 Hearing

Title 114
Legislative Rule

~~WEST VIRGINIA ADMINISTRATIVE REGULATION
INSURANCE COMMISSIONER~~

No. 3
~~1967~~ e

Cancellation of Automobile Liability Policies

Section 1. General

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

1:02 Reference - ~~This regulation relates to Chapter 33, Article 6A and Chapter 33, Article 6A, Section 5 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 6A, Section 5 and Chapter 33, Article 2, Section 10 of the Code of West Virginia of 1931, as amended.

1:04 Scope - This regulation is to establish the procedure whereby any person whose automobile liability insurance policy has been cancelled or whose policy has not been renewed in violation of Article 6A, Chapter 33 of the West Virginia Code of 1931, as amended, may appeal to the insurance commissioner for hearing and review.

1:05 Effective Date - This regulation is promulgated on April 7, 1967, and becomes effective 47 days thereafter. *May 24, 1967*

1:06 Filing Date - This regulation was filed in the Office of the Secretary of State on April 7, 1967.

~~1:07 Certification - This regulation is certified authentic by the Insurance Commissioner of West Virginia by Certification Number 3.~~

Section 2. Informal Procedure for Review of Complaint Regarding Cancellation or Non-Renewal

2:01 General - The procedure set forth in this section is recommended for persons filing a complaint to the insurance department that their automobile liability insurance has been cancelled or non-renewed in violation of Article 6A of Chapter 33 of the West Virginia Code of 1931, as amended.

2:02 Complaints Filed in Person or in Writing - All complaints regarding automobile liability cancellation or non-renewal may be filed with the insurance commissioner in person or in writing.

(A) Complaint filed in person -- If the complainant desires to present the complaint in person he may do so by calling at the Office of the Insurance Commissioner located in State Office Building #1, 6th Floor, 1800 Washington Street East, Charleston, West Virginia, on any week day between the hours of 8:30 a.m. and 4:30 p.m.

(B) Complaint filed in writing -- If the complainant desires to submit the complaint in writing he should direct his correspondence to Cancellation Complaint Division, Insurance Commissioner, State Capitol Building, Charleston, West Virginia.

2:03 Policies and Allied Correspondence Needed for Review - Whether the complaint be lodged in person or in writing, the complainant should present to the insurance department his insurance policy and all allied papers or correspondence he has received from the respondent insurer regarding such cancellation or non-renewal. If the complaint is submitted in writing, a letter from the complainant, written in the narrative, should accompany the policy and allied papers explaining generally the basis for the complaint.

2:04 Decision that Favors Respondent Insurer - If, upon review of the complaint, the insurance commissioner is of the opinion that there has been no violation of the insurance laws regarding cancellation and non-renewal, the commissioner will explain to the complainant his rights and privileges under Article 6A of Chapter 33 and why the facts presented would not be a violation of Article 6A.

2:05 Explanation by Respondent Insurer - If, upon review of the complaint, it is found by the insurance commissioner that the respondent insurer may have violated Article 6A of Chapter 33, the commissioner will contact the respondent insurer and require an explanation of such termination.

2:06 Letter of Recommendation - If, after a review of information received from both the complainant and respondent insurer, the insurance commissioner is of the opinion that Article 6A appears to have been violated by the respondent insurer, the commissioner will write to said insurer a letter of recommendation. This letter of recommendation will relate in what respects the respondent's decision to terminate the complainant's policy would appear to violate Article 6A and contain a recommendation by the insurance commissioner that the respondent insurer fully comply with the provisions of Article 6A.

2:07 Variance in Procedure Not Prejudicial - Section 2 of this regulation is to be construed as a guideline by which an aggrieved party may file a complaint with the insurance commissioner regarding termination of automobile liability insurance in violation of Article 6A, Chapter 33 of the West Virginia Code of 1931, as amended, and any variance by a complainant in the procedure recommended in this section shall not prejudice any rights or privileges of the complainant as are set forth in any insurance law or regulation of the State of West Virginia.

2:08 Compliance with Forty-Five Day Requirement - If a complainant lodges a complaint with the insurance commissioner that his automobile liability insurance policy has been terminated in violation of Chapter 33, Article 6A, it will be construed by the insurance commissioner as an appeal for hearing and review for the purpose of satisfying the forty-five day requirement within which time appeal to the insurance commissioner must be made as provided in Chapter 33, Article 6A, Section 5 of the West Virginia Code of 1931, as amended.

Section 3. Hearing Regarding Cancelling and Non-Renewal

3:01 Hearing at Request of Complainant - If, after review of the complaint, it is the opinion of the insurance commissioner that there has been no violation of Article 6A and the complainant is informed of these findings as prescribed in 2:04 of this regulation, the complainant may demand a formal hearing before the insurance commissioner.

3:02 Hearing at Request of Respondent Insurer - If, after review of the complaint, it is the opinion of the insurance commissioner that there has been a violation of Article 6A and the respondent insurer is informed of these findings as prescribed in 2:06 of this regulation, the respondent insurer may demand a formal hearing before the insurance commissioner.

3:03 Hearing Called by Insurance Commissioner - If, after review of the complaint, the commissioner feels a hearing will be necessary to resolve the complaint, the commissioner may call a hearing by virtue of the authority vested in him under Chapter 33, Article 2 of the West Virginia Code of 1931, as amended.

3:04 Hearing - The procedure for hearing, whether it be initiated by the complainant, the respondent insurer or the insurance commissioner, shall follow the same procedure respecting notice and rights of the parties as is prescribed in Chapter 33, Article 2 and Chapter 29A of the West Virginia Code of 1931, as amended.