

WEST VIRGINIA ADMINISTRATIVE REGULATION  
INSURANCE COMMISSIONER

No. 5  
1968

PROCEDURES TO BE FOLLOWED BY FIRE  
RATING ORGANIZATIONS

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FILED IN THE OFFICE OF  
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THIS DATE 12-10-82  
Administrative Law Division

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~~WEST VIRGINIA ADMINISTRATIVE REGULATION~~  
INSURANCE COMMISSIONER

Series ~~No. 5~~  
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Procedures to be Followed by Fire Rating Organizations

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 20 and Chapter 33, Article 20, Section 6 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 and Chapter 33, Article 20, Section 6 of the Code of West Virginia of 1931, as amended.

1:04 Scope - This regulation is to establish procedures to be followed by fire rating organizations in rating and inspecting West Virginia cities or towns, any division thereof or risk therein.

1:05 Effective Date - This regulation is promulgated *April 18, 1968* on March 9, 1968, and becomes effective 40 days thereafter.

1:06 Filing Date - This regulation was filed in the office of the Secretary of State on March 9, 1968.

~~1:07 Certification - This regulation is certified authentic by the Insurance Commissioner of West Virginia by Certificate Number 5.~~

Section 2. Filing Procedures for Fire Rating Organizations

2:01 Notification of Cities or Towns of Proposed Grading Schedule Changes - Within thirty (30) days after the Insurance Commissioner has received any filing made by any fire rating organization, if the filing contains changes in Standard Schedule for Grading Cities and Towns of the United States, the Commissioner may forward to the city official of all towns or cities affected by such filing a letter, which shall contain the following information:

(A) Notification that the fire rating organization has made said filing including the date of filing.

(B) A synopsis of the proposed changes.

(C) An analysis of how the proposed changes, if approved, may generally affect the towns or cities.

(D) Notification to towns or cities of their right to request a hearing regarding the filing before action is taken by the Commissioner.

2:02 Cities' or Towns' Right to Hearing - All towns or cities in West Virginia affected by said filing may file within ten (10) days of receipt of the notification letter referred to in section 2:01 of this regulation, a request in writing for hearing before the Insurance Commissioner to allow the towns or cities a right to be heard in connection with said filing. A copy of said request shall also be directed to the fire rating organization in question.

2:03 Form of Written Request for Hearing - Any town or city which desires a hearing under the provisions of this regulation should also set forth in said written request the general objections which it has to the filing.

2:04 Notice of Hearing - Upon receipt of the request for hearing from any town or city, the Commissioner shall notify said town or city and the fire rating organization involved of the time and place of hearing, which notice shall be in compliance with Chapters 33 and 29A of the West Virginia Code of 1931, as amended.

2:05 Hearing Procedures, Review Period, Decision by Commissioner - The general procedures for hearing, time within which the Commissioner may make the decision to approve or disapprove said filing and notification to interested parties of the Commissioner's decision are set forth in Chapter 33, Article 2, Section 13 of the West Virginia Code of 1931, as amended.

Section 3. Town Inspections by Fire Rating Organizations and Change in Classification

3:01 Inspection Results Filed with City - After a fire rating organization has completed its inspection of any town or city in West Virginia, it shall, as soon as practicable, file with the city officials of such town or city a copy of the inspection result.

3:02 Certain Inspection Results to be Filed With Commissioner - All fire rating organizations shall file with the Insurance Commissioner, any town or city inspection result which contains information indicating that the town or city should be placed in a rating class higher than its previous classification for fire rating purposes. In addition to this inspection result, the fire rating organizations shall also file with the Commissioner the preceding inspection result for that particular city or town along with a cover letter in which the fire rating organization shall enumerate wherein that particular town or city has become deficient.

3:03 Cities' or Towns' Right to Hearing to Object to Inspection Result - Any town or city, after receiving its inspection result, shall have the right to request a hearing in order to give said town or city the opportunity to object to the content of the result or manner in which the inspection was conducted. Such request for hearing, if desired, should set forth the objections thereto in writing and be submitted to the Insurance Commissioner within thirty (30) days after said town or city has received its copy of the inspection result. A copy of such request for hearing shall be directed to the fire rating organization in question.

3:04 Moratorium of No Less Than One Year Before Down-Grading Classification of Risk - The fire rating organizations shall not place any town or city, any division thereof or risk therein, into a higher fire rate classification until all of the following requirements have been met:

(A) A period of thirty (30) days, as referred to in section 3:03, has passed and no request for hearing has been made by the town or city or after the hearing referred to in section 3:03, the Commissioner overrules the objections made by the town or city to such inspection result; and

(B) The fire rating organization has extended to said town or city, any division thereof or risk therein, a period of one year to improve the deficiencies set forth in the inspection result.

(C) If there is reasonable evidence that no improvement of existing deficiencies will be promptly undertaken, the Commissioner may waive the moratorium and permit retrograded class of protection to apply.

3:05 Extension of Moratorium if Substantial Progress Toward Correcting Deficiencies - If, at the end of the moratorium period which is set forth in section 3:04 of this regulation

and after reinspection by the fire rating organization, it is found that there has been substantial progress by the town or city, any division thereof or risk therein, in correcting the deficiencies, the fire rating organization shall extend said moratorium for a period of no less than six (6) months from the date of said reinspection result.

3:06 Moratorium Only Applicable to Certain Risk - The requirement of moratorium referred to in sections 3:04 and 3:05 of this regulation shall only be applicable to dwellings which are classified in the following categories:

- (A) Dwellings
- (B) Seasonal Dwellings and Camp Cottages
- (C) Apartment Houses (with twenty apartments or less in a single building)
- (D) Private Boarding and Rooming Houses (not over twenty rooms for lodging nor more than twenty boarders)
- (E) Nurses and Sisters' Homes
- (F) Chapter, Fraternity and Sorority Houses
- (G) Trailer Homes
- (H) Farm Property
- (I) Motels, Tourist Courts, and Tourist Cabins (with twenty units or less in a single building)
- (J) Private Garages and Private Outbuildings Used in Connection Therewith.

3:07 Annual Report to Commissioner by Fire Rating Organizations - All fire rating organizations shall file with the Insurance Commissioner on March 1 of each year a report regarding city or town inspections which shall contain the following information:

- (A) A list of all cities or towns in West Virginia inspected during the preceding year.
- (B) The date of inspection of those cities or towns.
- (C) Whether the report indicated a result that the protection was improved to warrant a better classification,

deteriorated to warrant a poorer classification or remained the same as the previous classification.

(D) If the moratorium, as set forth in section 3:04 or 3:05, has been extended by the fire rating organizations, a listing of such town and the termination date of such moratorium.