

STATE OF WEST VIRGINIA



OFFICES OF THE
INSURANCE COMMISSIONER

2100 WASHINGTON STREET, EAST
CHARLESTON, WEST VIRGINIA 25305
TELEPHONE (304) 348-3386

RICHARD G. SHAW
INSURANCE COMMISSIONER

JOHN D. ROCKEFELLER, IV
GOVERNOR

STATE REGISTER FILING

I, Richard G. Shaw, Commissioner,
Title or Position

Insurance, hereby submit to record in
Department or Division

the State Register on 8½ x 11" paper two (2) copies of

- proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- proposed rules and regulations superseding rules and regulations already on file;
- notice of hearing;
- findings and determinations;
- rules and regulations; or
- other - specify (fiscal note

This filing pertains to

Chapter 16
Article 5D
Series XVIII
Section 10
Page No. _____

- proposed rules and regulations are required to go to Legislative Rule Making Committee;
- proposed rules and regulations are excluded from Legislative Rule Making Committee;

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE
THIS DATE June 9, 1983
Administrative Law Division

June 9, 1983
Date Submitted

Richard G. Shaw
Signature of Person Authorizing
this Filing

STATE OF WEST VIRGINIA



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GOVERNOR

RICHARD G. SHAW
INSURANCE COMMISSIONER

June 9, 1983

Honorable A. James Manchin
Secretary of State
State of West Virginia
State Capitol

RE: Fiscal Note - Proposed Legislative Rule of the Insurance
Commissioner, Series XVIII, Supplemental
Insurance Coverage for Continuum of Care
Services

Dear Secretary Manchin:

This will serve as the fiscal note in regard to the above
proposed legislative rule as required by the provisions of
Chapter 29A, Article 3, Section 9 and Chapter 29A, Article 3,
Section 4(b) of the Code of West Virginia of 1931, as amended.

The objective of this proposed rule is to establish certain
standards so that residents of this State will be afforded the
opportunity to purchase, at a reasonable premium rate, supple-
mental insurance coverage for continuum of care services pursuant
to Chapter 16, Article 5D, Section 10 of the Code.

To the best of my knowledge and belief, promulgation of
this rule would result in no direct costs to, or have any econo-
mic impact on, the residents of West Virginia. As noted above,
residents will be afforded an opportunity to purchase supplemental
insurance coverage for continuum of care services at a reasonable
premium rate. The exact cost of this supplemental coverage to
the individual resident has not yet been determined. Such a deter-
mination at this time is actuarially impossible due to the unique
nature of this rule; at present, West Virginia's broad and compre-
hensive continuum of care statute (Chapter 16, Article 5D of the
Code) is a national forerunner.

The cost to the State, and its executive agency of the
Insurance Department, in implementing this proposed rule has been

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A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE June 9, 1983
Administrative Law Division

Honorable A. James Manchin
Page 2
June 9, 1983

estimated as follows:

Hearing Examiner's Fee	\$140.00
Court Reporter	200.00
Mailing Expenses	25.00
Copying	<u>35.00</u>

TOTAL \$400.00

Additionally, an undetermined number of personnel work hours will be involved in implementation and promulgation of the proposed rule.

Sincerely,



Richard G. Shaw
Insurance Commissioner

RGS/jss

SUPPLEMENTAL INSURANCE COVERAGE FOR CONTINUUM OF CARE SERVICES

Chapter 16-5D
Series XVIII
1983

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THIS DATE June 9, 1983
Administrative Law Division

WEST VIRGINIA LEGISLATIVE RULE
INSURANCE COMMISSIONER OF WEST VIRGINIA

Chapter 16-5D
Series XVIII
(1983)

Subject: Regulation Relating to Supplemental Insurance Coverage for Continuum of Care Services for Elderly, Disabled and Terminally Ill

Section 1. General

1.01. Scope - This legislative rule establishes standards for supplemental insurance coverage for continuum of care services for elderly, disabled and terminally ill citizens of the State of West Virginia.

1.02. Authority - This legislative rule was promulgated under the authority of Chapter 16, Article 5D, Sections 9 and 10 and Chapter 33, Article 2, Section 10 of the Code of West Virginia of 1931, as amended.

1.03. Filing Date - This legislative rule was promulgated on the _____ day of _____, 19____, and was filed on the _____ day of _____, 19____, in the Office of the Secretary of State.

1.04. Effective Date - This legislative rule becomes effective on the _____ day of _____, 19____.

Section 2. Applicability

2.01. Policies, Contracts and Certificates Included - Except as provided in Section 2.02, this regulation shall apply

to all insurance policies, contracts or certificates delivered or issued for delivery in West Virginia pursuant to the provisions of Chapter 33, Articles 15, 16, 16A, 23, 24, 25 and 25A of the Code of West Virginia of 1931, as amended.

2.02. Policies, Contracts and Certificates Excluded -

This regulation shall not apply to any insurance policy, contract or certificate which provides coverage solely for disability loss of income, dental services, optical services or short term travel accident protection.

Section 3. Coverage Requirements

3.01. Availability - Any insurance policy, contract or certificate specified in Section 2.01 of this regulation which is delivered or issued for delivery in West Virginia on or after the first day of April, 1984, shall make available to the policyholder, subscriber or certificateholder supplemental insurance coverage for continuum of care services consistent with the provisions of this regulation.

Any insurance policy, contract or certificate specified in Section 2.01 of this regulation which was delivered or issued for delivery in West Virginia before the first day of April, 1984, shall make available to the policyholder, subscriber, or certificateholder, in the manner hereinafter prescribed, supplemental insurance coverage for continuum of care services consistent

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A. JAMES MANCHIN
SECRETARY OF STATE

Page 2

THIS DATE June 9, 1983
Administrative Law Division

with the provisions of this regulation. The policyholder, subscriber or certificateholder shall be notified in writing not less than thirty (30) calendar days prior to the first anniversary renewal date of the policy, contract or certificate immediately subsequent to April 1, 1984, that such supplemental insurance coverage is available without underwriting qualification if the supplemental insurance coverage is elected no later than thirty (30) calendar days immediately subsequent to the renewal date. Underwriting qualification may be required if the supplemental insurance coverage is elected at any subsequent anniversary renewal; provided, however, any underwriting criteria shall not be unfairly discriminatory.

3.02. Minimum Benefit Standards - Supplemental insurance coverage for continuum of care services shall include the following minimum benefits:

- (A) Benefits for services determined to be necessary and appropriate by the case manager or responsible member of the comprehensive hospice care program, in accordance with the case management system or comprehensive hospice care program established by the West Virginia Continuum of Care Board pursuant to the provisions of Chapter 16, Article 5D of the

Code of West Virginia of 1931, as amended.

(1) Provided, however, that benefits for counseling services may be limited as follows:

(a) Counseling benefits in general for the policyholder, subscriber or certificateholder and his immediate family, including his spouse, children, parents, siblings and children of his spouse, may be limited to a maximum of twelve sessions collectively at a total benefit payment not to exceed one thousand dollars (\$1,000.00) during each twelve (12) month period.

(i) There shall be no requirement that any immediate family member be a named insured under the policy, contract or certificate as a prerequisite to receipt of counseling benefits.

(ii) There shall be no deductible or coinsurance requirement in regard to the counseling benefits either for the policyholder, subscriber or certificateholder or his immediate

family members.

(b) Bereavement counseling benefits for immediate family members of the policyholder, subscriber or certificateholder, including his spouse, children, parents, siblings and children of his spouse, may be limited to a maximum of eight (8) sessions collectively at a total benefit payment not to exceed seven hundred and fifty dollars (\$750.00) during a six (6) month-period commencing within 6 months subsequent to the death of the policyholder, subscriber or certificateholder.

(i) There shall be no requirement that any immediate family member be a named insured under the insurance policy, contract or certificate as a prerequisite to receipt of bereavement counseling benefits.

(ii) Bereavement counseling benefits shall not be denied immediate family members on the basis that the insurance policy, contract or

certificate terminated upon or following the death of the policyholder, subscriber or certificateholder nor shall a premium be assessed of an immediate family member in regard to bereavement counseling benefits.

(iii) There shall be no deductible or coinsurance requirement in regard to bereavement counselings benefits.

(2) There shall be no provisions in the supplemental insurance policy, contract or certificate which limits coverage ofr continuum of care services to medical care or in any manner attempts to exclude coverage for palliative or supportive care.

(B) Benefit payments for continuum of care services under a supplemental insurance policy, contract or certificate shall not preclude or be in lieu of hospital or medical/surgical benefit payments under the basic policy, contract or certificate. Provided, however, that duplicative payment for a specific expense shall not be required.

Section 4. Approval of Forms

4.01. Approval of Forms - No rider, endorsement or other form to be attached to any insurance policy, contract or certificate to provide benefits for continuum of care services shall be delivered or issued for delivery in West Virginia unless it has been filed with and approved by the Insurance Commissioner of the State of West Virginia pursuant to the provisions of Chapter 33, Article 6, Section 8 of the Code of West Virginia of 1931, as amended.

Section 5. Loss Ratio Standards

5.01. Aggregate Benefits - Supplemental insurance coverages for continuum of care services shall be expected to return to policyholders, subscribers or certificateholders in the form of aggregate benefits, on the basis of incurred claims experience and earned premiums:

(A) In the case of individual insurance policies, contracts or certificates, at least sixty percent (60%) of the aggregate amount of premium collected; and,

(B) In the case of group insurance policies, contracts or certificates, at least seventy-five percent (75%) of the aggregate amount of premiums collected.

Section 6. Separability

6.01. Partial Invalidity - If any provision of this regu-

Ins. Commissioner
Leg. Rule 16-5D
Series XVIII

Sec. 6.01.

lation is held invalid, the remainder of the regulation shall not be affected thereby.

Section 7. Prior Regulation

7.01. Superceded - This regulation supercedes and replaces the Emergency Legislative Rule of the same Series Number (XVIII) which became effective on May 10, 1983.

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RICHARD G. SHAW
INSURANCE COMMISSIONER

JOHN D. ROCKEFELLER, IV
GOVERNOR

NOTICE OF PUBLIC HEARING BEFORE RICHARD G. SHAW
INSURANCE COMMISSIONER OF WEST VIRGINIA

IN THE MATTER OF: Supplemental Insurance Coverage for Continuum
of Care Services
Proposed Legislative Rule Series XVIII
Administrative Hearing No. 83-16

TO: All Interested Persons

Please take notice that the Insurance Commissioner of the State of West Virginia will hold a public hearing on July 13, 1983, at 9:30 o'clock, a.m., in Rooms A and B of the Capitol Complex Conference Center, 1900 Washington Street, East, Charleston, West Virginia. This public hearing has been scheduled, pursuant to the provisions of Chapter 29A, Article 3, Section 5 of the Code of West Virginia of 1931, as amended, to receive comment from any interested person in regard to proposed Legislative Rule of the Insurance Commissioner, Series XVIII, concerning standards for supplemental insurance coverage for continuum of care services.

The record of the hearing will be open for written comment from any interested person from the time of issuance of this

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE June 9, 1983

Administrative Law Division

Notice of Administrative Hearing No. 83-16

Notice until the time of hearing. Such written comments should be submitted to the Honorable Richard G. Shaw, Insurance Commissioner of the State of West Virginia, 2100 Washington Street, East, Charleston, West Virginia 25305.



Richard G. Shaw
Insurance Commissioner of West Virginia



Cheryl L. Davis
Special Assistant Attorney General,
Counsel for the Insurance Commissioner

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JOHN D. ROCKEFELLER, IV
GOVERNOR

NOTICE OF PUBLIC HEARING BEFORE RICHARD G. SHAW
INSURANCE COMMISSIONER OF WEST VIRGINIA

IN THE MATTER OF: Excess Lines Brokers -
Proposed Legislative Rule Series XX
Administrative Hearing No. 83-17

TO: All Interested Persons

Please take notice that the Insurance Commissioner of the State of West Virginia will hold a public hearing on July 26, 1983, at 9:30 o'clock, a.m., in Room E of the Capitol Complex Conference Center, 1900 Washington Street, East, Charleston, West Virginia. This public hearing has been scheduled, pursuant to the provisions of Chapter 29A, Article 3, Section 5 of the Code of West Virginia of 1931, as amended, to receive comment from any interested person in regard to proposed Legislative Rule of the Insurance Commissioner, Series XX, concerning licensing and regulation of excess lines brokers.

The record of the hearing will be open for written comment from any interested person from the time of issuance of this

THE OFFICE OF
JAMES MANCHIN
SECRETARY OF STATE

THIS DATE June 9, 1983
Administrative Law Division

Notice of Administrative Hearing No. 83-17

Notice until the time of hearing. Such written comments should be submitted to the Honorable Richard G. Shaw, Insurance Commissioner of the State of West Virginia, 2100 Washington Street, East, Charleston, West Virginia 25305.



Richard G. Shaw
Insurance Commissioner of West Virginia



Cheryl L. Davis
Special Assistant Attorney General,
Counsel for the Insurance Commissioner

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STATE REGISTER FILING

I, Richard G. Shaw, Commissioner,
Title or Position

Insurance, hereby submit to record in
Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- proposed rules and regulations superseding rules and regulations already on file;
- notice of hearing;
- findings and determinations;
- rules and regulations; or
- other - specify (fiscal note

FILED IN THE OFFICE OF
A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE June 9, 1983
Administrative Law Division

This filing pertains to

Chapter 33
Article 12
Series XX
Section _____
Page No. _____

- proposed rules and regulations are required to go to Legislative Rule Making Committee;
- proposed rules and regulations are excluded from Legislative Rule Making Committee;

June 9, 1983
Date Submitted

Richard G. Shaw
Signature of Person Authorizing
this Filing

EXCESS LINE BROKERS

Chapter 33-12
Series XX
1983

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APPENDIX

Exhibit A

WEST VIRGINIA LEGISLATIVE RULE
INSURANCE COMMISSIONER OF WEST VIRGINIA

Chapter 33-12
Series XX
(1983)

Subject: Regulation Relating to Excess Line Brokers

Section 1. General

1.01. Scope - This legislative rule establishes certain requirements for the licensing and regulation of excess line brokers pursuant to Chapter 33, Article 12 of the Code of West Virginia of 1931, as amended.

1.02. Authority - This legislative rule is issued under the authority of Chapter 33, Article 2, Section 10 of the Code of West Virginia of 1931, as amended.

1.03. Filing Date - This legislative rule was promulgated on the _____ day of _____, 1983, and was filed on the _____ day of _____, 1983, in the Office of the Secretary of State.

1.04. Effective Date - This legislative rule becomes effective on the _____ day of _____, 1983.

Section 2. Definitions

2.01. Commissioner means the insurance commissioner of West Virginia.

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A. JAMES MANCHIN
SECRETARY OF STATE

THIS DATE June 9, 1983
Admin. of the Law Dept.

2.02. Evidences of Insurance means written or printed statements evidencing the applicability and effectiveness of insurance coverages, including but not limited to policy forms, certificates, cover notes, binders, and other traditionally acceptable evidences of insurance.

2.03. Excess Line Insurer means an insurer not licensed by the commissioner to do insurance business, and considered to be a non-admitted insurer, in the State of West Virginia.

2.04. Excess Line Broker means an individual licensed pursuant to the provisions of this regulation and West Virginia Code § 33-12-13, for the purposes of placing insurance of risks resident, located or to be performed in this State, with an excess line insurer.

2.05. Excess Line Market means the entire scope of insurance business on risks resident, located or to be performed in this State, to be placed with an excess line insurer.

2.06. Insolvent Insurer means any insurer which is determined to be insolvent in accordance with the provisions of Chapter 33 of the Code of West Virginia of 1931, as amended, on any insurer which is determined to be insolvent by the commissioner of any other state.

2.07. Licensed Insurer means an insurer licensed by the commissioner to do insurance business in the State of West Virginia.

Section 3. Licensing of an Excess Line Broker; Revocation,
Suspension or Refusal to Renew License, and
Penalty in lieu Thereof

3.01. Licensing Requirements - Any applicant for an
excess line broker's license issued or renewed under the
provisions of West Virginia Code § 33-12-13:

A. Shall be a duly licensed West Virginia resident
agent holding a current and valid license for the type(s) of
insurance which the applicant expects and intends to export
to the excess line market; and,

B. Shall have held for at least three consecutive years
immediately preceding the date of application a valid agent's
license for the type(s) of insurance the applicant expects and
intends to export to the excess line market, and shall have
held a valid West Virginia resident agent's license for such
type(s) of insurance for at least one of those three years.
The commissioner, in his discretion, may waive this require-
ment if the applicant otherwise demonstrates the necessary
trustworthiness and competence by education, experience or
other relevant factors; and,

C. Shall satisfactorily complete an examination admin-
istered by the office of the commissioner or its designated
agent. The commissioner shall not require an examination for

any person who has held and continually renewed an excess line broker's license in West Virginia on or before the effective date of this regulation; and,

D. Shall pay the required license fee as established by the provisions of West Virginia Code § 33-12-13; and,

E. Shall file with the commissioner and thereafter maintain in force for so long as the license or any renewal thereof remains in effect, a bond in favor of the State of West Virginia in the penal sum as established by the provisions of West Virginia Code § 33-12-13, with an authorized corporate surety approved by the commissioner, conditioned that he shall conduct business under his license in accordance with this regulation and the West Virginia Code. No bond shall be terminated unless at least thirty-days' prior written notice thereof is filed with the commissioner; and,

F. Shall be deemed trustworthy for the purpose of conducting insurance business as an excess line broker, as required by the provisions of West Virginia Code § 33-12-13; and,

G. Shall satisfy any other criteria reasonably established by the commissioner.

3.02. Revocation, Suspension or Refusal to Renew License -
Whenever, after notice and hearing, the commissioner is satisfied that any excess line broker has violated any provisions of

any administrative regulation of the commissioner or any provisions of Chapter 33 of the Code of West Virginia of 1931, as amended, or is incompetent or untrustworthy, he shall revoke, suspend or refuse to renew the license of such excess line broker as required by the provisions of West Virginia Code § 33-12-25. In lieu of revoking, suspending or refusing to renew such license, the commissioner, in his discretion, may order such licensee to pay to the State of West Virginia a penalty in a sum not to exceed one hundred dollars for each violation, and upon failure of such licensee to pay such penalty by delivery of such sum to the commissioner within thirty days of notice thereof, the commissioner shall revoke, suspend or refuse to renew such license.

Section 4. Placement of Excess Line Coverages

4.01. Due Diligence - In accordance with the provisions of West Virginia Code § 33-12-10(b), the insurance coverage written by an excess line insurer and placed by an excess line broker shall not be procurable from licensed insurers authorized to transact that kind of insurance in this State. The broker shall submit to the commissioner a sworn notarized statement, as provided in Section 4.04 of this regulation, that a diligent search has been made to place the risk with licensed insurers

authorized to write and actually writing the particular type of risk sought to be placed in the excess line market. This statement also shall include the reasons why the broker has been unable to place the risk with licensed insurers.

4.02. Notification - Each excess line insurance policy or evidence of insurance shall have printed or stamped in contrasting color on the front page the following statement:

THIS COMPANY IS NOT LICENSED TO DO
BUSINESS IN WEST VIRGINIA, AND IS
NOT SUBJECT TO THE WEST VIRGINIA
INSURANCE GUARANTY ACT.

4.03. Countersignature - In accordance with the provisions of West Virginia Code § 33-12-7, no contract of insurance covering a subject of insurance, resident, located or to be performed in this State, shall be executed, issued or delivered by an excess line broker unless the contract is signed or countersigned in writing by a duly licensed excess line broker. This section does not apply to: Reinsurance; credit insurance; any contract of insurance covering the rolling stock of any railroad or covering any vessel, aircraft or motor carrier used in interstate or foreign commerce, or covering any liability or other risks incident to the ownership, maintenance or operation thereof; any contract of insurance covering any property in interstate or foreign commerce, or any liability or risks incident thereto.

4.04. Excess Line Broker's Affidavit and Report - Each excess line broker shall execute and file with the commissioner, in accordance with the provisions of West Virginia Code § 33-12-11, the information requested on the Form Leb-3, as revised, attached to and made a part of this regulation. This report shall be filed under oath, and shall be received by the commissioner within forty-five days after the effective date of coverage, or within fifteen days after delivery of the policy or other acceptable evidence of insurance, whichever is sooner.

4.05. Records of Excess Line Broker - In accordance with the provisions of West Virginia Code § 33-12-15, each excess line broker shall keep in his office a full and true record of each excess line contract procured by him, and such records may be examined at any time thereafter by the commissioner. The records shall include the following items as they are applicable:

- A. Name and address of the excess line insurer; and,
- B. Name and address of the insured; and,
- C. Amount of insurance; and,
- D. Gross premium charged; and,
- E. Return premium paid, if any; and,
- F. Rate of premium charged on the several items of coverage; and,

G. Effective date of the contract and the terms thereof; and,

H. Brief general description of the risks insured against and the property insured.

4.06 Responsibilities of the Excess Line Broker -

Each licensed excess line broker who participates directly or indirectly in affecting any insurance contract on an excess line basis:

A. In no instance shall knowingly place any coverage in an insolvent insurer, in accordance with the provisions of West Virginia Code § 33-12-22; and,

B. May accept and place authorized excess line business from any insurance agent or broker licensed in this State for the kind of insurance involved, and may compensate such agent or broker thereof. The excess line broker shall have the right to receive from the excess line insurer the customary commission, in accordance with the provisions of West Virginia Code § 33-12-14; and,

C. In those instances in which excess line business is produced to an excess line broker by an agent or broker licensed in this State for the kind of insurance involved, it remains the excess line broker's responsibility to make the necessary filing of the Form Leb-3, as revised.

4.07. Excess Line Insurance Valid - In accordance with the provisions of West Virginia Code § 33-12-12, any insurance contract procured as excess line coverage from an excess line insurer shall be fully valid and enforceable as to all parties, and shall be given recognition in all matters and respects to the same effect as like contracts issued by licensed insurers.

Section 5. Excess Line Premium Tax Annual Return and Report
by Broker

5.01. Reporting of Premiums Placed and Taxed - Each excess line broker licensed in accordance with the provisions of this regulation and West Virginia Code § 33-12-13 shall make a return annually, under oath, on or before the first day of March, to the commissioner, of the gross amount of premiums charged the insureds by excess line insurers for insurance procured by such licensee, including any so-called dividends on participating insurance policies applied in reduction of premiums, less premiums returnable for cancellation. Such return shall be reported by the completion of the Excess Line Broker's Annual Statement Form Leb-4, as revised, prepared and supplied by the commissioner.

5.02. Payment of Excess Line Premium Taxes - The annual tax required to be paid under the provisions of this regulation shall be a sum equal to that in accordance with

the provisions of West Virginia Code § 33-12-16 and § 33-12-16a, and shall be paid to the commissioner on or before the first day of March. All such taxes paid to the commissioner shall be paid by him into the State treasury for the benefit of the State fund, unless otherwise required by the Code of West Virginia of 1931, as amended.

Section 6. Separability

6.01. Partial Invalidity - If any provision of this regulation is held invalid, the remainder of this regulation shall not be affected thereby.

(EXHIBIT A)
STATE OF WEST VIRGINIA
INSURANCE COMMISSIONER
CHARLESTON 25305
REPORT OF AN EXCESS LINE INSURANCE POLICY
PLACED BY AN EXCESS LINE BROKER

STATE OF WEST VIRGINIA, COUNTY OF _____
I, _____, an Excess Line Broker duly licensed by the State of
West Virginia, hereby make oath and state to the Insurance Commissioner of West Virginia
that pursuant to W.Va. Code §33-13-10(b) a diligent effort has been made to procure the
amount of insurance necessary to protect against loss of or damage to property or person
from insurers licensed to transact and actually writing this type of insurance business
in West Virginia, and that the placing of this insurance has not been for the purpose of
securing advantages as to premium rate or terms of the insurance contract. This insur-
ance has not been placed with a licensed insurer because: _____

Name of Insured: _____

Address of Insured: _____

Location of Risk: _____

Description of Property: _____

Nature of Insurance: _____

Policy No: _____ Inception Date: _____ Term: _____

Gross premium this policy: \$ _____ Premium Rate: \$ _____

Amount of insurance with licensed insurers: \$ _____

Amount of insurance with excess line insurers: \$ _____

Name and address of excess line insurer which issued above-numbered policy:

Having failed to procure the required insurance with insurers licensed to transact
business in West Virginia, I make oath that the following statements were printed or
stamped in contrasting color on the face of this policy or other evidence of insurance:
"THIS COMPANY IS NOT LICENSED TO DO BUSINESS IN WEST VIRGINIA, AND IS NOT SUBJECT TO THE
WEST VIRGINIA INSURANCE GUARANTY ACT."

Witness my signature this _____ day of _____, 19____.

Affiant: _____

Subscribed and sworn to before me this _____ day of _____, 19____.

Notary Public: _____

My Commission expires: _____.

West Virginia Code §33-12-11 requires that this report be filed for each policy of excess
line insurance obtained. Pursuant to the Administrative Regulations of the Insurance
Commissioner, Series XX, Section 4.04, this report, completed in its entirety, shall be
received by the Commissioner within 45 days after the effective date of coverage, or
within 15 days after delivery of the policy or other acceptable evidence of insurance,
whichever is sooner.