



## PROMULGATION HISTORY

West Virginia Insurance Commission  
Filing Fees for Purchasing Groups & for Risk Retention  
Groups Not Chartered in this State  
Title 114 Series 34

7/9/93 Notice of Comment Period Filed  
8/9/93 Last Date Comments Were Received  
8/16/93 Agency Approved Legislative Rule Filed  
11/16/93 Date Reviewed by Legislative Rule-Making Review  
Committee  
11/29/93 Date Modified and Approved Rule Filed  
4/27/94 Date of Final Filing of Legislative Rule  
4/27/94 Effective Date of Rule

114CSR34

FILED

TITLE 114  
LEGISLATIVE RULE  
INSURANCE COMMISSIONER

Nov 29 3 43 PM '93

SERIES 34  
FILING FEES FOR PURCHASING GROUPS, AND FOR  
RISK RETENTION GROUPS NOT CHARTERED IN THIS STATE

OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

§ 114-34-1. General

1.1. Scope. -- This legislative rule implements the provisions of West Virginia Code §§ 33-32-17 and 33-32-4 relating to all purchasing groups, and to risk retention groups not chartered in this State. The rule establishes the amounts of registration fees to be paid by both types of entities, as well as the amounts of annual financial statement filing fees to be paid by ~~such~~ these risk retention groups. It also provides for increases in the ~~af~~ rementioned fees for risk retention groups chartered in other jurisdictions that impose higher analogous fees on risk retention groups domiciled in West Virginia.

1.2. Authority. -- West Virginia Code §§ 33-2-10, ~~33-3-13(b), 33-3-16(a), 33-32-4(e) and (f), and 33-32-17(e)~~

1.3. Filing Date. --

1.4. Effective Date. --

§ 114-34-2. Registration Fees for Purchasing Groups, and for Risk Retention Groups Not Chartered in this State

2.1. Each purchasing group seeking to do business in this State, and each risk retention group not chartered in this State but seeking to do business in West Virginia, shall remit a two hundred dollar (\$200) processing fee upon the initial filing of registration materials with the Insurance Commissioner.

2.2. ~~Each insuring entity described in Section 2.1 above~~ Each purchasing group already registered to do business in West Virginia, and each risk retention group not chartered in this state but already registered to do business here shall remit a fifty dollar (\$50) processing fee upon the filing of any registration materials modification with the Insurance Commissioner.

§ 114-34-3. Annual Financial Statement Filing Fees for Risk Retention Groups Not Chartered in this State

Each risk retention group not chartered in this State, but registered or seeking to register with the Insurance Commissioner to do business as a risk retention group in West Virginia, shall remit a one hundred dollar (\$100) fee upon

filing with the Commissioner its annual financial statement required by West Virginia Code § 33-32-4(e)(1).

**§ 114-34-4. Retaliatory Fee Increases for Risk Retention Groups Not Chartered in this State**

As provided in West Virginia Code § 33-3-16(a), when another state charges a higher fee to West Virginia-domiciled risk retention groups than a fee set in Section 2 or 3 of this rule, a risk retention group chartered in that state and doing business or seeking to do business in West Virginia shall remit to the Insurance Commissioner the higher fee equivalent to the registration fee or annual statement filing fee, or its counterpart, which the other state charges to West Virginia-domiciled risk retention groups.

**§ 114-34-5. Fees Designated for Insurance Department Operation**

All fees remitted by purchasing groups, and by risk retention groups not chartered in this State, pursuant to this rule are designated by West Virginia Code § 33-3-13(b) for use by the Insurance Commissioner in operating the Insurance Department of this State.

**§ 114-34-6. Severability**

If any provision of this rule or the application thereof to any person or circumstance is for any reason held ~~to be~~ invalid, the remainder of the rule and the application of such that provision to other persons or circumstances shall not be affected thereby.

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H. B. 4271

(By Delegates Gallagher, Douglas, Compton,  
Huntwork, Burk and Faircloth  
(Introduced January 31, 1994; referred to the  
Committee on Banking and Insurance then the  
Judiciary)

A BILL to amend and reenact section two, article seven, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to authorizing the insurance commissioner to promulgate legislative rules relating to filing fees for purchasing groups and for risk retention groups not chartered in this state.

Be it enacted by the Legislature of West Virginia:

That section two, article seven, chapter sixty-four of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted, to read as follows:

**ARTICLE 7. AUTHORIZATION FOR DEPARTMENT OF TAX AND REVENUE TO PROMULGATE LEGISLATIVE RULES.**

**§64-7-2. Insurance commissioner.**

(a) The legislative rules filed in the state register on the eighteenth day of October, one thousand nine hundred

4271

1 eighty-three, relating to the insurance commissioner (excess line  
2 brokers), are authorized.

3 (b) The legislative rules filed in the state register on the  
4 eighteenth day of August, one thousand nine hundred eighty-six,  
5 modified by the insurance commissioner to meet the objections of  
6 the legislative rule-making review committee and refiled in the  
7 state register on the twelfth day of December, one thousand nine  
8 hundred eighty-six, relating to the insurance commissioner  
9 (examiners' compensation, qualification and classification), are  
10 authorized.

11 (c) The legislative rules filed in the state register on the  
12 twentieth day of February, one thousand nine hundred  
13 eighty-seven, relating to the insurance commissioner (West  
14 Virginia essential property insurance association), are  
15 authorized.

16 (d) The legislative rules filed in the state register on the  
17 twenty-ninth day of May, one thousand nine hundred eighty-seven,  
18 relating to the insurance commissioner (medical malpractice  
19 annual reporting requirements), are authorized.

20 (e) The legislative rules filed in the state register on the  
21 thirty-first day of July, one thousand nine hundred eighty-seven,  
22 modified by the insurance commissioner to meet the objections of  
23 the legislative rule-making review committee and refiled in the  
24 state register on the seventh day of November, one thousand nine  
25 hundred eighty-seven, relating to the insurance commissioner

1 (medical malpractice loss experience and loss expense reporting  
2 requirements), are authorized.

3 (f) The legislative rules filed in the state register on the  
4 thirtieth day of November, one thousand nine hundred  
5 eighty-eight, modified by the insurance commissioner to meet the  
6 objections of the legislative rule-making review committee and  
7 refiled in the state register on the twenty-first day of  
8 February, one thousand nine hundred eighty-nine, relating to the  
9 insurance commissioner (transitional requirements for the  
10 conversion of Medicare supplement insurance benefits and premiums  
11 to conform to Medicare program revisions), are authorized.

12 (g) The legislative rules filed in the state register on the  
13 twenty-sixth day of May, one thousand nine hundred eighty-nine,  
14 modified by the insurance commissioner to meet the objections of  
15 the legislative rule-making review committee and refiled in the  
16 state register on the twenty-eighth day of September, one  
17 thousand nine hundred eighty-nine, relating to the insurance  
18 commissioner (insurance adjusters), are authorized.

19 (h) The legislative rules filed in the state register on the  
20 second day of February, one thousand nine hundred ninety,  
21 modified by the insurance commissioner to meet the objections of  
22 the legislative rule-making review committee and refiled in the  
23 state register on the twenty-ninth day of May, one thousand nine  
24 hundred ninety, relating to the insurance commissioner (accident  
25 and sickness rate filing), are authorized.

1 (i) The legislative rules filed in the state register on the  
2 tenth day of August, one thousand nine hundred ninety, modified  
3 by the insurance commissioner to meet the objections of the  
4 legislative rule-making review committee and refiled in the state  
5 register on the ninth day of October, one thousand nine hundred  
6 ninety, relating to the insurance commissioner (group  
7 coordination of benefits), are authorized.

8 (j) The legislative rules filed in the state register on the  
9 tenth day of August, one thousand nine hundred ninety, modified  
10 by the insurance commissioner to meet the objections of the  
11 legislative rule-making review committee and refiled in the state  
12 register on the seventeenth day of January, one thousand nine  
13 hundred ninety-one, relating to the insurance commissioner (AIDS  
14 regulations), are authorized.

15 (k) The legislative rules filed in the state register on the  
16 third day of December, one thousand nine hundred ninety, relating  
17 to the insurance commissioner (health insurance benefits for  
18 temporomandibular and craniomandibular disorders), are  
19 authorized.

20 (l) The legislative rules filed in the state register on the  
21 twelfth day of August, one thousand nine hundred ninety-one,  
22 modified by the insurance commissioner to meet the objections of  
23 the legislative rule-making review committee and refiled in the  
24 state register on the thirteenth day of January, one thousand  
25 nine hundred ninety-two, relating to the insurance commissioner

1 (guaranteed loss ratios as applied to individual sickness and  
2 accident insurance policies), are authorized.

3 (m) The legislative rules filed in the state register on the  
4 ninth day of August, one thousand nine hundred ninety-one,  
5 modified by the insurance commissioner to meet the objections of  
6 the legislative rule-making review committee and refiled in the  
7 state register on the thirteenth day of January, one thousand  
8 nine hundred ninety-two, relating to the insurance commissioner  
9 (examiners' compensation, qualifications and classification), are  
10 authorized.

11 (n) The legislative rules filed in the state register on the  
12 seventeenth day of July, one thousand nine hundred ninety-one,  
13 modified by the insurance commissioner to meet the objections of  
14 the legislative rule-making review committee and refiled in the  
15 state register on the thirteenth day of January, one thousand  
16 nine hundred ninety-two, relating to the insurance commissioner  
17 (permanent regulations on Medicare supplement insurance), are  
18 authorized.

19 (o) The legislative rules filed in the state register on the  
20 twelfth day of August, one thousand nine hundred ninety-one,  
21 modified by the insurance commissioner to meet the objections of  
22 the legislative rule-making review committee and refiled in the  
23 state register on the thirteenth day of January, one thousand  
24 nine hundred ninety-two, relating to the insurance commissioner

1 ("tail" malpractice insurance covering certain medical and allied  
2 health care providers), are authorized.

3 (p) The legislative rules filed in the state register on the  
4 eighteenth day of September, one thousand nine hundred  
5 ninety-two, relating to the insurance commissioner (regulation of  
6 credit life insurance and credit accident and sickness  
7 insurance), are authorized.

8 (q) The legislative rules filed in the state register on the  
9 eighteenth day of September, one thousand nine hundred  
10 ninety-two, modified by the insurance commissioner to meet the  
11 objections of the legislative rule-making review committee and  
12 refiled in the state register on the tenth day of December, one  
13 thousand nine hundred ninety-two, relating to the insurance  
14 commissioner (filing fees for purchasing groups and for risk  
15 retention groups not chartered in this state), are authorized.

16 (r) The legislative rules filed in the state register on the  
17 fourteenth day of October, one thousand nine hundred ninety-two,  
18 relating to the insurance commissioner (group coordination of  
19 benefits), are authorized with the amendments set forth below:

20 "On page six, subsection 2.1.9., after the words 'If a person  
21 is covered by more than one employer group minimum benefits plan,  
22 the order of benefits determination rules of this regulation  
23 decide the order in which their benefits are determined in  
24 relation to each other' by inserting a colon and the words  
25 'Provided, That under the provisions of West Virginia Code

1 §5-16-12(a), coverage issued pursuant to the Public Employees  
2 Insurance Act is secondary to an employer group minimum benefits  
3 plan and any other applicable health insurance coverage."

4 (s) The legislative rules filed in the state register on the  
5 eighteenth day of September, one thousand nine hundred  
6 ninety-two, modified by the insurance commissioner to meet the  
7 objections of the legislative rule-making review committee and  
8 refiled in the state register on the fifteenth day of January,  
9 one thousand nine hundred ninety-three, relating to the insurance  
10 commissioner (permanent regulations on medicare supplement  
11 insurance), are authorized.

12 (t) The legislative rules filed in the state register on the  
13 eighteenth day of September, one thousand nine hundred  
14 ninety-two, modified by the insurance commissioner to meet the  
15 objections of the legislative rule-making review committee and  
16 refiled in the state register on the fifteenth day of January,  
17 one thousand nine hundred ninety-three, relating to the insurance  
18 commissioner (individual and employer group minimum benefits,  
19 accident and sickness insurance policies), are authorized with  
20 the amendments set forth below:

21 "On page two, subsection 3.2 by striking out the period and  
22 inserting the following: 'other than coverage issued pursuant to  
23 the Public Employees Insurance Act, as provided in West Virginia  
24 Code §5-16-12(a).'"

1 (u) The legislative rules filed in the state register on the  
2 eighteenth day of September, one thousand nine hundred  
3 ninety-two, modified by the insurance commissioner to meet the  
4 objections of the legislative rule-making review committee and  
5 refiled in the state register on the fifteenth day of January,  
6 one thousand nine hundred ninety-three, relating to the insurance  
7 commissioner (long-term care insurance), are authorized.

8 (v) The legislative rules filed in the state register on the  
9 eighteenth day of September, one thousand nine hundred  
10 ninety-two, modified by the insurance commissioner to meet the  
11 objections of the legislative rule-making review committee and  
12 refiled in the state register on the fifteenth day of January,  
13 one thousand nine hundred ninety-three, relating to the insurance  
14 commissioner (standards for uniform health care administration),  
15 are authorized.

16 (w) The legislative rules filed in the state register on the  
17 sixteenth day of August, one thousand nine hundred ninety-three,  
18 modified by the insurance commissioner to meet the objections of  
19 the legislative rule-making review committee and refiled in the  
20 state register on the twenty-ninth day of November, one thousand  
21 nine hundred ninety-three, relating to the insurance commissioner  
22 (filing fees for purchasing groups and for risk retention groups  
23 not chartered in this state), are authorized.

24

25 NOTE: The purpose of this bill is to authorize the Insurance  
26 Commissioner to promulgate legislative rules relating to filing

1 fees for purchasing groups and for risk retention groups not  
2 chartered in this state.

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4       Strike-throughs indicate language that would be stricken from  
5 the present law, and underscoring indicates new language that  
6 would be added.

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SENATE BILL NO. 168

(By Senators Anderson, Grubb, Macnaughtan and Minard)

~~[introduced January 31, 1994; referred to the Committee on~~

~~BANKING AND INSURANCE,~~

Judiciary

10 A BILL to amend and reenact section two, article seven, chapter  
11 sixty-four of the code of West Virginia, one thousand nine  
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13 insurance commissioner to promulgate legislative rules  
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16 Be it enacted by the Legislature of West Virginia:

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18 code of West Virginia, one thousand nine hundred thirty-one, as  
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20 ARTICLE 7. AUTHORIZATION FOR DEPARTMENT OF TAX AND REVENUE TO  
21 PROMULGATE LEGISLATIVE RULES.

22 §64-7-2. Insurance commissioner.

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7 state register on the twelfth day of December, one thousand nine  
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17 twenty-ninth day of May, one thousand nine hundred eighty-seven,  
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20 (e) The legislative rules filed in the state register on the  
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22 modified by the insurance commissioner to meet the objections of  
23 the legislative rule-making review committee and refiled in the  
24 state register on the seventh day of November, one thousand nine  
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7 commissioner (long-term care insurance), are authorized.

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9 eighteenth day of September, one thousand nine hundred  
10 ninety-two, modified by the insurance commissioner to meet the  
11 objections of the legislative rule-making review committee and  
12 refiled in the state register on the fifteenth day of January,  
13 one thousand nine hundred ninety-three, relating to the insurance  
14 commissioner (standards for uniform health care administration),  
15 are authorized.

16 (w) The legislative rules filed in the state register on the  
17 sixteenth day of August, one thousand nine hundred ninety-three,  
18 modified by the insurance commissioner to meet the objections of  
19 the legislative rule-making review committee and refiled in the  
20 state register on the twenty-ninth day of November, one thousand  
21 nine hundred ninety-three, relating to the insurance commissioner  
22 (filing fees for purchasing groups and for risk retention groups  
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25 NOTE: The purpose of this bill is to authorize the Insurance  
26 Commissioner to promulgate legislative rules relating to filing

1 fees for purchasing groups and for risk retention groups' not  
2 chartered in this state.

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4       Strike-throughs indicate language that would be stricken from  
5 the present law, and underscoring indicates new language that  
6 would be added.



STATE OF WEST VIRGINIA  
Offices of the Insurance Commissioner

Legal Division

GASTON CAPERTON  
Governor

HANLEY C. CLARK  
Insurance Commissioner

April 27, 1994

**HAND DELIVERED**

Ms. Judy Cooper, Director  
Administrative Law Division  
Office of Secretary of State  
State Capitol  
Charleston, WV 25305

Dear Ms. Cooper:

Attached for filing with your office is the "final filing" form for the regulation Series 34 titled "Filing Fees for Purchasing Groups & for Risk Retention Groups not Chartered in this State." This regulation was authorized in Senate Bill 186 and passed by the Legislature on March 12, 1994.

We are also providing your office with a computer disc containing the aforementioned rule. The filing dates and effective dates have already been inserted onto the disc. If you have any questions about the enclosed "final filing" form or the computer disc, please do not hesitate to call me or my secretary, Carla Savage.

Sincerely,

A handwritten signature in cursive script that reads "Jeffrey W. VanGilder".

Jeffrey W. VanGilder  
Associate Counsel

JVW/cjs  
Enclosures

KEN HECHLER  
Secretary of State

MARY P. RATLIFF  
Deputy Secretary of State

A. RENEE COE  
Deputy Secretary of State

CATHERINE FREROTTE  
Executive Assistant

Telephone: (304) 558-6000  
Corporations: (304) 558-8000



WILLIAM H. HARRINGTON  
Chief of Staff

JUDY COOPER  
Director, Administrative Law

DONALD R. WILKES  
Director, Corporations

(Plus all the volunteer  
help we can get)

FAX: (304) 558-0900

## STATE OF WEST VIRGINIA

### SECRETARY OF STATE

Building 1, Suite 157-K  
1900 Kanawha Blvd., East  
Charleston, WV 25305-0770

March 15, 1994

Linda Gay  
Insurance Commission  
State Capitol Complex  
2019 Washington St. East  
Charleston, WV 25305

**SB 186** authorizing, **Title 114, Series 34, Filing Fees for Purchasing Groups & for Risk Retention Groups Not Chartered in this State**, passed the Legislature on **March 12, 1994**. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs SB 186, to final file the legislative rule with the Secretary of State's office. To final file your legislative rule, fill in the blanks on the enclosed form #6, the "Final Filing" form and file the form with our office with a promulgation history of the rule. Authorization for your legislative rule is cited in **SB 186** section **64-7-2(y)**. The agency may set the effective date of the legislative rule up to ninety (90) days from the date the legislative rule is final filed with the Secretary of State's office. Please have an authorized signature on the bottom line.

**\*\*\*IMPORTANT: IF YOUR AGENCY HAS COMPLETED THE LEGISLATIVE RULE ON A WORD PERFECT OR WORD PERFECT COMPATIBLE COMPUTER SYSTEM THAT USES A 3 1/2" OR 5 1/4" DISK, YOU MUST SUBMIT A CLEAN COPY, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, TO OUR OFFICE WHEN FINAL FILING THE RULE. STATE ON THE DISK THE FORMAT THE RULE IS IN AND THE TITLE IT IS FILED UNDER. THIS WILL MAKE IT QUICKER FOR US TO ENTER YOUR RULES ON THE LEGISLATIVE DATA BASE. REMEMBER THE TEXT OF THE COMPUTER FILED RULE MUST BE IDENTICAL - WORD FOR WORD, COMMA FOR COMMA, WITH ALL UNDERLINING AND STRIKE-THROUGHS TAKEN OUT, AS THE HARD COPY AUTHORIZED BY THE LEGISLATURE.**

After the final rule is entered into the legislative data base, the rule will be sent to the agency for review and proofing. Following confirmation or corrections, as the case may be, the Secretary of State shall submit to the agency a final version of the rule for their records.

If you have any questions or need any assistance, please do not hesitate to call our office.

Thank You  
Administrative Law Division