

WEST VIRGINIA
SECRETARY OF STATE
KEN HECHLER
ADMINISTRATIVE LAW DIVISION

Form #6

Do Not Mark In this Box

FILED

JUN 23 1993

**OFFICE OF WEST VIRGINIA
SECRETARY OF STATE**

**NOTICE OF FINAL FILING AND ADOPTION OF A LEGISLATIVE RULE AUTHORIZED
BY THE WEST VIRGINIA LEGISLATURE.**

AGENCY: Insurance Commissioner TITLE NUMBER: 114

AMENDMENT TO AN EXISTING RULE: YES , NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: _____

TITLE OF RULE BEING AMENDED: _____

IF NO, SERIES NUMBER OF NEW RULE BEING PROPOSED: Series 34

TITLE OF RULE BEING PROPOSED: Filing Fees for Purchasing Groups,
and for Risk Retention Groups Not Chartered in this State

THE ABOVE RULE HAS BEEN AUTHORIZED BY THE WEST VIRGINIA LEGISLATURE.

AUTHORIZATION IS CITED IN (house or senate bill number) House Bill 100

SECTION 64-7-2 (q), PASSED ON May 26, 1993

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON
THE FOLLOWING DATE: June 18, 1993

Hanley C. Clark

Hanley C. Clark
Insurance Commissioner

2.80

114CSR34

TITLE 114
LEGISLATIVE RULE
INSURANCE COMMISSIONER

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

Section

- 114-34-1. General
- 114-34-2. Registration Fees for Purchasing Groups, and for Risk Retention Groups Not Chartered in this State
- 114-34-3. Annual Financial Statement Filing Fees for Risk Retention Groups Not Chartered in this State
- 114-34-4. Retaliatory Fee Increases for Risk Retention Groups Not Chartered in this State
- 114-34-5. Fees Designated for Insurance Department Operation
- 114-34-6. Severability

114CSR34

TITLE 114
LEGISLATIVE RULE
INSURANCE COMMISSIONER

FILED

DEC 10 2 40 PM '92

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 risk retention groups. It also provides for increases in the aforementioned 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 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).

**Insurance Commission
Legislative Rule
Title 114, Series 34**

**§ 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 provision to other persons or circumstances shall not be affected thereby.



KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
Deputy Secretary of State

CATHERINE FREROTTE
Executive Assistant

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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

RECEIVED

JUL 28 1993

LEGAL DIVISION
W. VA. INS. DEPT.

TO: Linda Gay

AGENCY: Insurance Commission

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: July 26, 1993

THE ATTACHED RULE FILED BY YOUR AGENCY HAS BEEN ENTERED INTO OUR COMPUTER SYSTEM. PLEASE REVIEW, PROOF AND RETURN IT WITH ANY CORRECTIONS. IF THERE ARE NO CORRECTIONS, PLEASE SIGN THIS MEMO AND RETURN IT TO THIS OFFICE. YOU WILL BE SENT A FINAL VERSION OF THE RULE FOR YOUR RECORDS.

PLEASE RETURN EITHER THE CORRECTED RULE OR THIS FORM WITHIN TEN (10) WORKING DAYS OF THE DATE YOU RECEIVED THIS REQUEST. CALL IF YOU HAVE ANY QUESTIONS.

SERIES: 34 TITLE: 114 Insurance Commission

* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: _____

TITLE OF PERSON SIGNING: _____

DATE: _____

* THE ATTACHED RULE HAS BEEN REVIEWED AND NEEDS CORRECTING. CORRECTIONS HAVE BEEN MARKED.

SIGNED: Linda Gay

TITLE OF PERSON SIGNING: Assoc. Counsel, WV Insurance Comm'r

DATE: August 19, 1993

NOTE: IF YOU ARE NOT THE PERSON WHO HANDLES THIS RULE, PLEASE FORWARD TO THE CORRECT PERSON.

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE
AUG 31 8 40 AM '93
FILED

SENATE BILL NO. 212

(By Senator Manchin)

[Introduced March 1, 1993; referred to the
Committee on Banking and Insurance; and then
to the Committee on the Judiciary.

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

16 Be it enacted by the Legislature of West Virginia:

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

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

22 §64-7-2. ~~Agency of insurance~~ Insurance commissioner.

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

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 ninety-
5 two, 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 tenth day of December, one
8 thousand nine hundred ninety-two, relating to the insurance
9 commissioner (filing fees for purchasing groups and for risk
10 retention groups not chartered in this state), are authorized.

11

12 NOTE: The purpose of this bill is to authorize the Insurance
13 Commissioner to promulgate legislative rules relating to filing
14 fees for purchasing groups and for risk retention groups not
15 chartered in this state.

16

17 Strike-throughs indicate language that would be stricken from
18 the present law, and underscoring indicates new language that
19 would be added.

KEN HECHLER
Secretary of State

MARY P. RATLIFF
Deputy Secretary of State

A. RENEE COE
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(Plus all the volunteer
help we can get)

FAX: (304) 558-0900

May 28, 1993

Linda Gay
Insurance Commission
2019 Washington St., E
Charleston, WV 25305

HB 100 authorizing, Title 114, Series 34, Filing Fees for Purchasing Groups & for Risk Retention for Groups Not Chartered in This State, passed the Legislature on May 26, 1993. It is now awaiting the Governor's signature.

You have sixty (60) days after the Governor signs HB 100, 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. Authorization for your legislative rule is cited in **HB 100** section **64-7-2(q)**. 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 COMPUTER SYSTEM THAT USES A 3 1/2" OR 5 1/4" DISK, PLEASE 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