

**WEST VIRGINIA**  
**SECRETARY OF STATE**  
**KEN HECHLER**  
**ADMINISTRATIVE LAW DIVISION**

Form #6

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**FILED**

APR 13 2 14 PM '94

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: 37

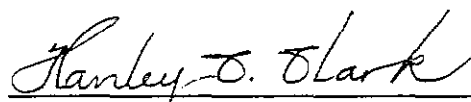
TITLE OF RULE BEING PROPOSED: Substandard Risk Motor  
Vehicle Insurance Notice Requirements

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

AUTHORIZATION IS CITED IN (house or senate bill number) SB 186

SECTION 64-7-2(x), PASSED ON March 12, 1994

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON  
THE FOLLOWING DATE: April 13, 1994



Authorized Signature  
(Insurance Commissioner)

3.40

## PROMULGATION HISTORY

West Virginia Insurance Commission  
Substandard Risk Motor Vehicle Insurance Notice Requirements  
Title 114 Series 37

7/9/93	Notice of Comment Period Filed
7/9/93	Emergency Rule Filed (Denied)
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
4/13/94	Date of Final Filing of Legislative Rule
4/13/94	Effective Date of Rule

114CSR37

WEST VIRGINIA LEGISLATIVE RULE  
INSURANCE COMMISSIONER

SERIES 37  
SUBSTANDARD RISK MOTOR VEHICLE INSURANCE NOTICE REQUIREMENTS

Section

- 114-37-1. General.
- 114-37-2. Applicability.
- 114-37-3. Definitions.
- 114-37-4. Format of Substandard Risk Insurance Application Notice.
- 114-37-5. Format of Substandard Risk Insurance Policy Notice.
- 114-37-6. Submission of Form Filing Required.

114CSR37

WEST VIRGINIA LEGISLATIVE RULE  
INSURANCE COMMISSIONER

SERIES 37

SUBSTANDARD RISK MOTOR VEHICLE INSURANCE NOTICE REQUIREMENTS

§ 114-37-1. General.

1.1. Scope. -- This legislative rule implements the provisions of West Virginia Code § 33-6-31c requiring a written notification on automobile insurance applications and policies written on substandard risks. This rule sets forth the format, style, design and method for approval of substandard risk insurance applications and policies and any additional procedures required.

1.2. Authority. -- W. Va. Code § 33-6-31c;

1.3. Filing Date. --

1.4. Effective Date. --

§ 114-37-2. Applicability.

2.1. Applicability. -- This legislative rule applies to all insurers writing motor vehicle liability insurance in this State if the rate or premium charged for the motor vehicle liability coverage reflects a greater than normal exposure to loss which is assumed by an insurer writing insurance for a substandard risk. The notification provisions apply to all motor vehicle liability policies covering substandard risks issued on or after the effective date of this rule, and all motor vehicle liability insurance applications covering substandard risks taken on or after the effective date of this rule.

2.2. This legislative rule applies to insurance companies writing motor vehicle liability insurance coverage through the assigned risk plan ("AIPSO")

2.3. This legislative rule applies to insurance companies that write only one tier of motor vehicle liability insurance business if the rate or premium charged for such coverage reflects the greater than normal exposure to loss which is assumed by the insurer writing insurance for a substandard risk.

2.4. The provisions of this legislative rule do not apply to insurance policies issued or applications taken for commercial automobile liability insurance.

Insurance Commissioner  
Legislative Rule  
Title 114, Series 37

§ 114-37-3. Definitions.

The following words and terms, when used in this rule, have the following meanings, unless the context clearly indicates otherwise:

3.1. "Application" means a printed form used by an insurance company which includes questions about a prospective insured and the desired insurance coverage and limits. It provides the insurer's underwriter with information for accepting or rejecting the prospective insured and rating the desired policy.

3.2. "Commissioner" means the Insurance Commissioner of the State of West Virginia.

3.3. "Contrasting Color" means a color strikingly dissimilar to the color of the other text and background as to produce an intensified effect that is easily readable and draws the attention of the reader.

3.4. "Form Filing" means a filing of the application and first page of the policy bearing the imprint of the specified statement submitted to the Commissioner for prior approval in accordance with West Virginia Code § 33-6-8.

3.5. "Policy" is the form setting forth the automobile insurance declarations, insuring agreements, conditions and exceptions, often bound by a policy jacket.

3.6. "State" means the State of West Virginia.

3.7. "Substandard Risk Insurance Application Notice" means the written notice required by West Virginia Code § 33-6-31c(b).

3.8. "Substandard Risk Insurance Policy Notice" means the written notice required by West Virginia Code § 33-6-31c(c).

3.9. "Substandard Risk" means an applicant for insurance who presents a greater exposure to loss than that contemplated by commonly used rate classifications, as evidenced by one or more of the following conditions: (A) Record of traffic accidents; (B) Record of traffic law violations; (C) Undesirable occupational circumstances; or (D) Undesirable moral characteristics.

3.10. "Substandard Risk Rate" means a rate or premium charge that reflects the greater than normal exposure to loss which is assumed by an insurer writing insurance for a substandard risk.

Insurance Commissioner  
Legislative Rule  
Title 114, Series 37

§ 114-37-4. Format of Substandard Risk Insurance Application Notice.

4.1. The Application for a motor vehicle insurance policy to be issued in this State and written on the basis of a substandard risk rate schedule shall have printed directly thereon in a minimum 10 point bold-faced type in a contrasting color, a statement appearing on the front page of the Application reading substantially as follows: **THE POLICY FOR WHICH YOU ARE APPLYING HAS BEEN RATED IN ACCORDANCE WITH A SPECIAL RATING SCHEDULE FILED WITH THE COMMISSIONER OF INSURANCE PROVIDING FOR HIGHER PREMIUM CHARGES THAN THOSE GENERALLY APPLICABLE FOR AVERAGE RISKS. IF THE COVERAGE OR PREMIUM IS NOT SATISFACTORY, YOU MAY BE ELIGIBLE FOR OTHER INSURANCE.**

4.2. The Substandard Risk Application Notice shall be clear and conspicuous on the face of the Substandard Risk Application.

4.3. The Substandard Risk Application Notice may not be printed on a separate sheet of paper, on a sticker attached to the Application, on an overlay sheet or by using white text in a black box.

§ 114-37-5. Format of Substandard Risk Insurance Policy Notice.

5.1. A motor vehicle insurance policy issued in this State and written on the basis of a substandard risk rate schedule shall have printed directly thereon, in a minimum 10 point bold-faced type in a contrasting color, a statement appearing on the policy jacket or the first page of the policy reading substantially as follows: **THIS POLICY HAS BEEN RATED IN ACCORDANCE WITH A SPECIAL RATING SCHEDULE FILED WITH THE COMMISSIONER OF INSURANCE PROVIDING FOR HIGHER PREMIUM CHARGES THAN THOSE GENERALLY APPLICABLE FOR AVERAGE RISKS. IF THE COVERAGE OR PREMIUM IS NOT SATISFACTORY, YOU MAY BE ELIGIBLE FOR OTHER INSURANCE.**

5.2. The Substandard Risk Insurance Policy Notice shall be clear and conspicuous on the face of the Substandard Risk Policy.

5.3. The Substandard Risk Insurance Policy Notice may not be printed on a separate sheet of paper, on a sticker attached to the Policy, on an overlay sheet or by using white text in a black box.

**Insurance Commissioner  
Legislative Rule  
Title 114, Series 37**

**§ 114-37-6. Submission of Form Filing Required.**

6.1. All insurers shall submit the Form Filing to comply with W. Va. Code 33-6-31c to the Rates and Forms Division of the Office of the West Virginia Insurance Commissioner. The form filing is effective upon approval by the Commissioner.

6.2. The Form Filing shall include: Two (2) Cover Letters informing the Commissioner that this filing is submitted to comply with West Virginia Code § 33-6-31c; a Form Filing Abstract (PCA-F-81); a copy of the properly imprinted application; a copy of the properly imprinted Policy Form; an amendment to the manual page stating that these imprinted forms are to be used with every automobile insurance policy written on a substandard risk in the State; and the appropriate filing fee required by law.

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H. B. 4270

(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 substandard motor vehicle insurance notice requirements.

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

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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 (substandard motor vehicle insurance notice requirements), are  
23 authorized.

24

25 NOTE: The purpose of this bill is to authorize the Insurance  
26 Commissioner to promulgate legislative rules relating to  
27 substandard motor vehicle insurance notice requirements.

1        Strike-throughs indicate language that would be stricken from  
2 the present law, and underscoring indicates new language that  
3 would be added.

SENATE BILL NO. 187

(By Senators Manchin, Anderson, Grubb, Macnaughtan  
and Minard)

(Introduced January 31, 1994; referred to the  
Committee on

BANKING AND INSURANCE;

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 substandard motor vehicle insurance notice  
requirements.

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

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.

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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 (substandard motor vehicle insurance notice requirements), are  
23 authorized.

24

25 NOTE: The purpose of this bill is to authorize the Insurance  
26 Commissioner to promulgate legislative rules relating to  
27 substandard motor vehicle insurance notice requirements.

1       Strike-throughs indicate language that would be stricken from  
2 the present law, and underscoring indicates new language that  
3 would be added.



KEN HEORLER  
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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JUDY COOPER  
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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

APR 21 1994

LEGAL DIVISION  
W. VA. INS. DEPT.

TO: Jeff VanGilder

AGENCY: Insurance

FROM: JUDY COOPER, DIRECTOR, ADMINISTRATIVE LAW DIVISION

DATE: April 21, 1994

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: 37 TITLE: 114 Insurance

\* THE ATTACHED RULE HAS BEEN REVIEWED AND IS CORRECT.

SIGNED: \_\_\_\_\_

TITLE OF PERSON SIGNING: \_\_\_\_\_

DATE: \_\_\_\_\_

\*\*\*\*\*

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

SIGNED: Jeff VanGilder

TITLE OF PERSON SIGNING: Associate Counsel

DATE: 5/3/94

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

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March 15, 1994

Jeffery VanGilder  
Insurance Commission  
State Capitol Complex  
2019 Washington St. East  
Charleston, WV 25305

**SB 186** authorizing, **Title 114, Series 37, Substandard Risk Motor Vehicle Insurance Notice Requirements**, 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(x)**. 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