

**WEST VIRGINIA  
SECRETARY OF STATE  
BETTY IRELAND  
ADMINISTRATIVE LAW DIVISION**

Form #6

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2006 APR 19 A 10:43

OFFICE 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 RULE BEING PROPOSED: 75

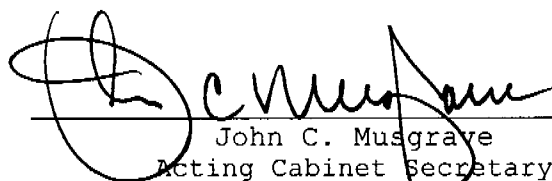
TITLE OF RULE BEING PROPOSED: Private Passenger Automobile and Property  
Insurance - Biannual Rate Filing Requirements

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

AUTHORIZATION IS CITED IN (house or senate bill number) S.B. 357

SECTION 64-7-1(g), PASSED ON March 11, 2006

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE  
FOLLOWING DATE: April 24, 2006



John C. Musgrave  
Acting Cabinet Secretary  
West Virginia Department of Revenue

\$3.00

**PROMULGATION HISTORY**

**WEST VIRGINIA INSURANCE COMMISSION**

**TITLE**

**PRIVATE PASSENGER AUTOMOBILE AND PROPERTY INSURANCE - BIENNIAL  
RATE FILINGS**

**TITLE 114, SERIES 75**

6/22/05	Notice of Comment Period Filed
7/22/05	Last Date Comments Were Received
7/29/05	Agency Approved Legislative Rule Filed
1/09/06	Date Reviewed by Legislative Rule-Making Review Committee
4/13/06	Filing Date
4/24/06	Effective Date

**114CSR75**

**LEGISLATIVE RULE  
INSURANCE COMMISSIONER**

**SERIES 75  
PRIVATE PASSENGER AUTOMOBILE AND PROPERTY INSURANCE -  
BIANNUAL RATE FILING REQUIREMENTS**

Section

- 114-75-1. General.
- 114-75-2. Applicability.
- 114-75-3. Biannual Rate Filing Periods; Information Required To Be Reported.
- 114-75-4. Penalties.
- 114-75-5. Severability.

114CSR75

FILED

**LEGISLATIVE RULE  
INSURANCE COMMISSIONER**

2006 APR 19 A 10:43

**SERIES 75  
PRIVATE PASSENGER AUTOMOBILE AND PROPERTY INSURANCE -  
BIANNUAL RATE FILING REQUIREMENTS**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**§114-75-1. General.**

1.1. Scope -- This rule establishes guidelines and procedures under which every insurer providing five percent (5%) or more of the insurance in West Virginia for private passenger automobiles or property used for personal or family needs shall submit rate filings on a biannual basis.

1.2. Authority -- W. Va. Code §§33-2-10 and 33-20-4a (2005).

1.3. Filing Date -- April 13, 2006.

1.4. Effective Date -- April 24, 2006.

**§114-75-2. Applicability.**

2.1. Insurers subject to biannual rate filing requirements. This rule applies to each insurer that provided five percent (5%) or more of the total insurance in West Virginia on either private passenger automobiles or on property used for personal or family needs.

a. "Insurance on private passenger automobiles" means a policy providing automobile liability insurance for a private passenger automobile.

b. "Property used for personal or family needs" means a policy providing property insurance which insures against loss of or damage to real property which is used predominantly for the residential purposes of the named insured, loss of or damage to personal property in which the named insured has an insurable interest where the personal property is used for personal, family or household purposes, and the personal property which is within a residential dwelling.

2.2. Notification by the commissioner. The commissioner shall, on or before August 1, 2005, and annually thereafter, notify in writing those insurers that he or she has determined are subject to biannual rate filing requirements under subsection 2.1 of this section of their obligation to make a rate filing in accordance with section 3 of this rule.

2.3. Method of determination. The commissioner shall determine which insurers are subject to the filing requirement by comparing every insurer's gross direct written premiums in

West Virginia during the preceding calendar year for each of the two types of insurance described in subdivisions a and b, subsection 2.1 of this section with the total of all such premiums for that year reported by all companies for that type in West Virginia. Each insurer that is determined to have provided five percent (5%) or more of the total insurance for either type of insurance will be subject to the filing requirements of subsections 3.1 and 3.2 of this rule.

**§114-75-3. Biannual Rate Filing Periods; Information Required To Be Reported.**

3.1. Rate filing deadlines. Each insurer subject to the filing requirement shall submit a rate filing to the commissioner both on or before September 30 and on or before March 31 in the year subsequent to receipt of the notice issued in accordance with subsection 2.2 of this rule.

3.2. Rate filing requirements. Insurers shall submit rate filings in accordance with the provisions of W. Va. Code §33-20-4 and WV 114CSR67 and shall include any other relevant information required by the commissioner.

**§114-75-4. Penalties.**

4.1. Failure to submit rate filing. Any insurer that fails to timely submit the rate filing specified in subsection 3.2 of this rule shall be fined one hundred dollars (\$100.00) for each day the rate filing is late. The commissioner may waive or reduce this penalty if he or she determines that the failure to timely file was caused by excusable neglect; however, the assessment of a penalty under this section is automatic unless a waiver or reduction of the penalty is agreed to by the commissioner in writing.

**§114-75-5. Severability.**

5.1. If any provision of this rule is held invalid, the remainder of the rule shall not be affected thereby.