

**TITLE 115
LEGISLATIVE RULES
BOARD OF RISK AND INSURANCE MANAGEMENT**

**SERIES 2
PUBLIC ENTITIES INSURANCE PROGRAM**

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TITLE 115
LEGISLATIVE RULES
BOARD OF RISK AND INSURANCE MANAGEMENT

OFFICE WEST VIRGINIA
SECRETARY OF STATE

SERIES 2
PUBLIC ENTITIES INSURANCE PROGRAM

§115-2-1. General.

1.1. Scope. -- ~~These rules~~ This rule establishes the procedures for the implementing and administering of the public entities insurance program as established by ~~Senate Bill 3, 1986~~ W. Va. Code §§ 29-12-5(b) and 29-12A-1 et seq. The purpose of the program is to provide liability insurance coverage and/or property insurance coverage for ~~governmental entities and non-profit organizations~~ (political subdivisions, charitable or public service organizations and emergency medical service agencies).

1.2. Authority. -- W. Va. Code §§~~29-12-1 et seq~~5(a), ~~29-12A-1 et seq~~14.

1.3. Filing Date. -- ~~April 5, 1990~~ _____

1.4. Effective Date. -- ~~April 5, 1990~~ _____

§115-2-2. Definitions.

2.1. "Board" means the ~~West Virginia state~~ board of risk and insurance management.

2.2. "Entity" means the political subdivisions, charitable ~~and non-profit~~ or public service organizations, and emergency medical service agencies requesting ~~and/or~~ obtaining liability ~~and/or~~ property insurance.

2.3. "Agent" means a resident property and casualty agent currently licensed as such by the West Virginia ~~Insurance~~ Commission.

2.4. "Information packet" means the questionnaire, survey, or any other underwriting data that may be requested by the board and furnished to the entity ~~and/or~~ agent.

2.5. "Fee agreement" means the document and/or agreement provided to the entity or agent for the purpose of paying the agent a service fee.

2.6. "Service fee" means the data acquisition cost and/or commission which shall be no greater than eight percent of the annual earned premium charged to the entity.

§115-2-3. Designation of Agent of Record.

- 3.1. Each entity which seeks to procure liability and/or property insurance through the board pursuant to W. Va. Code §§ ~~29-12-5, 29-12A-1 et seq., and 33-12-1~~, shall ~~be required to use a resident licensed property and casualty insurance agent pursuant to W.Va. Code § 33-12-1 et seq.~~
- 3.2. The ~~designation of an insured entity shall designate an agent of record shall be made in writing to the board either by signed letter or per a signed fee agreement and signed by the insured entity.~~
- 3.3. Failure by an entity to comply with the requirements of subdivisions 3.1 or 3.2 will result in non-acceptance of an entity or non-renewal of an entity in the public entities insurance program.
- 3.4. Upon designation of an agent of record, the board shall furnish an information packet shall be furnished to the agent. The entity seeking insurance and its agent of record shall be are jointly responsible for submitting the information packet completed in a manner acceptable to the board.
- 3.5. ~~Failure of~~ The board may refer to the state insurance commissioner for disciplinary action any the agent of record for failure to satisfactorily complete the information packet may result in disciplinary action by the Insurance Commissioner of West Virginia.
- 3.6. ~~Failure of the agent to satisfactorily complete the information packet shall cause the Board to request that the entity. The board may request the entity designate name another agent of record if its agent fails to satisfactorily complete the information packet.~~

§115-2-4. Service Fee.

- 4.1. The board shall include an amount designated as a service fee shall be included in the insurance premium charged to the entity. These moneys may be used to defray administrative expenses incurred as a result of the acquisition of underwriting data by the board. These moneys may be forfeited to the board to defray expenses incurred by the board as a result of the submission by the entity and/or agent of record of information and data not completed in a manner acceptable to the board.
- 4.2. The service fee cost ~~shall be~~ is an amount equal to eight percent of the annual earned premium charged the entity for insurance coverage.

§115-2-5. Commission of Agent of Record.

- 5.1. The amount of commission or fee of the agent of record ~~shall be~~ is a matter to be resolved between the entity and its agent.

5.2. The commission of the agent of record shall not ~~be more than~~ exceed eight percent of the earned annual premium.

§115-2-6. Ineligible Classes.

6.1. The following classes of entities have been determined by the ~~B~~board to be ineligible for coverage under W. Va. Code § 29-12-5(b):

6.1.a.

(1) Hospitals - except those owned and operated by political subdivisions already insured with the state program, or critical access hospitals as specified in W.Va. Code §29-12-5(b);

(2) Airports and airport authorities.

(3) Churches and religious organizations.

(4) Fraternal organizations (i.e. VFW's, American Legions, Elks, Moose, Rotary, Lions Clubs, etc.)

(5) Country clubs.

(6) Homeowners associations.

(7) Lobbying organizations.

(8) Political organizations.

(9) Any "for profit" organizations, except emergency medical service agencies as specified in W.Va. Code §29-12-5(b).

6.2. If any ~~of the above classes are entity or entities in the classes in subdivision 6.1 of this section is~~ insured in the public entity insurance program, the board ~~will~~ shall renew them; however, the board ~~will~~ shall not accept any ~~of the above entity or entities in said ineligible classes~~ after February 1, 1988.

§115-2-7. Rates and Coverages.

7.1. The board shall determine and establish rates, rate programs, deductibles, and coverages as needed.

~~§115-2-8. Advisory Committee.~~

~~8.1. The Board shall establish an advisory committee to assist the Board in identifying insurance problems for various types of entities.~~

§115-2-8. Cancellation Provisions.

- 8.1. The board ~~shall have the authority to~~ may cancel any entity that fails to pay ~~their~~ its premium within thirty (30) days of the premium due date.
- 8.2. The board shall give an entity a thirty (30) days notice of cancellation for non-payment of premium.