

**WEST VIRGINIA
SECRETARY OF STATE
JOE MANCHIN, III
ADMINISTRATIVE LAW DIVISION**

Do Not Mark In This Box

FILED

2004 APR 16 P 1:16

OFFICE WEST VIRGINIA
SECRETARY OF STATE

Form #6

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

AGENCY: WV Board of Risk and Insurance Management TITLE NUMBER: 115

AMENDMENT TO AN EXISTING RULE: YES NO

IF YES, SERIES NUMBER OF RULE BEING AMENDED: 2

TITLE OF RULE BEING AMENDED: Public Entities Insurance Program

IF NO, SERIES NUMBER OF RULE BEING PROPOSED: _____

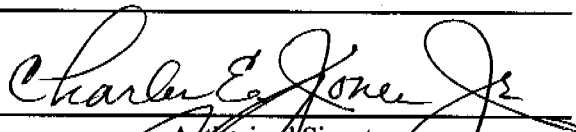
TITLE OF RULE BEING PROPOSED: _____

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

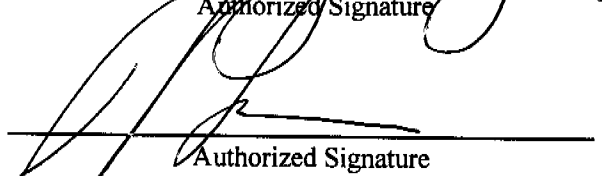
AUTHORIZATION IS CITED IN (house or senate bill number) SB 327

SECTION 64-2-3(a), PASSED ON March 13, 2004

THIS RULE IS FILED WITH THE SECRETARY OF STATE. THIS RULE BECOMES EFFECTIVE ON THE
FOLLOWING DATE: April 30, 2004



Authorized Signature



Authorized Signature

STATE OF WEST VIRGINIA
DEPARTMENT OF ADMINISTRATION
BOARD OF RISK AND INSURANCE MANAGEMENT



90 MACCORKLE AVENUE SW, SUITE 203
SOUTH CHARLESTON, WV 25303

(304) 766-2646 ADMINISTRATION
(304) 766-2653 FAX
(800) 345-4669 TOLL FREE WV
www.state.wv.us/brim

BOB WISE
GOVERNOR

GREGORY A. BURTON
CABINET SECRETARY

Title 115
Legislative Rules
Board of Risk and Insurance Management

Series 2
Public Entities Insurance Program

CONSENT TO FILING

I, Tom Susman, Acting Cabinet Secretary to the Department of Administration, do hereby consent to the filing of Title 115, Series 2, titled "Public Entities Insurance Program."

Date

6/26/07

Tom Susman, Acting Cabinet Secretary
Department of Administration

Title 115
Legislative Rules
Board of Risk and Insurance Management

Series 2

Public Entities Insurance Program

TABLE OF CONTENTS

Section	Heading
§115-2-1.	General
§115-2-2.	Definitions
§115-2-3.	Designation of Agent of Record
§115-2-4.	Service Fee
§115-2-5.	Commission of Agent of Record
§115-2-6.	Ineligible Classes
§115-2-7.	Rates and Coverages
§115-2-8.	Cancellation Provisions

FILED

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

2004 APR 16 P 1:16

**SERIES 2
PUBLIC ENTITIES INSURANCE PROGRAM**

OFFICE WEST VIRGINIA
SECRETARY OF STATE

§115-2-1. General.

1.1. Scope. -- This rule establishes the procedures for implementing and administering the public entities insurance program as established by 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 property insurance coverage for political subdivisions, charitable or public service organizations and emergency medical service agencies.

1.2. Authority. -- W. Va. Code §§29-12-5(a), 29-12-14.

1.3. Filing Date. -- April 16, 2004

1.4. Effective Date. -- April 30, 2004

§115-2-2. Definitions.

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

2.2. "Entity" means the political subdivisions, charitable or public service organizations and emergency medical service agencies requesting or obtaining liability 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 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 shall use a resident licensed property and casualty insurance agent pursuant to W. Va. Code §33-12-1 et seq.

3.2. The insured entity shall designate an agent of record in writing to the board either by signed letter or signed fee agreement.

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 to the agent. The entity seeking insurance and its agent of record are jointly responsible for submitting the information packet completed in a manner acceptable to the board.

3.5. The board may refer to the state insurance commissioner for disciplinary action any agent of record for failure to satisfactorily complete the information packet.

3.6. The board may request the entity designate 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 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 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 is a matter to be resolved between the entity and its agent.

5.2. The commission of the agent of record shall not 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 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 entity or entities in the classes in subdivision 6.1 of this section is insured in the public entity insurance program, the board shall renew them; however, the board shall not accept any 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. Cancellation Provisions.

8.1. The board may cancel any entity that fails to pay 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.