WEST VIRGINIA SECRETARY OF STATE

KRIS WARNER

ADMINISTRATIVE LAW DIVISION

eFILED

4/8/2026 9:29:33 AM

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 Commission

TITLE-SERIES: 114-02A

RULE TYPE: Legislative

Amendment to Existing Rule: Yes

Repeal of existing rule: No

RULE NAME: Fingerprinting Requirements for Applicants for Insurance Producer License and Insurance Adjuster License

CITE STATUTORY AUTHORITY: W. Va. Code §§33-2-10, 33-12-37, 33-12B-6, 33-12B-12

The above rule has been authorized by the West Virginia Legislature.

Authorization is cited in (house or senate bill number) 4245

Section W. Va. Code §64-7-3 Passed On 3/14/2026 12:00:00 AM

This rule is filed with the Secretary of State. This rule becomes effective on the following date:

April 8, 2026

This rule shall terminate and have no further force or effect from the following date:

August 01, 2036

BY CHOOSING 'YES', I ATTEST THAT THE PREVIOUS STATEMENT IS TRUE AND CORRECT.

Yes

Anoop Bhasin -- By my signature, I certify that I am the person authorized to file legislative rules, in accordance with West Virginia Code §29A-3-11 and §39A-3-2.

114CSR2A

TITLE 114
LEGISLATIVE RULE
INSURANCE COMMISSIONER

SERIES 2A
FINGERPRINTING REQUIREMENTS FOR APPLICANTS
FOR INSURANCE PRODUCER LICENSE AND INSURANCE ADJUSTER LICENSE

Section

114-2A-1. General

114-2A-2. Definitions.

114-2A-3. Producer Fingerprints.

114-2A-4. Provisional Work Authority; Change in Residence Status.

114-2A-5. Fingerprint Format and Complete Application.

114-2A-6. Use of Fingerprints.

114-2A-7. Nonresident Producers.

TITLE 114
LEGISLATIVE RULE
INSURANCE COMMISSIONER

SERIES 2A
FINGERPRINTING REQUIREMENTS FOR APPLICANTS
FOR INSURANCE PRODUCER LICENSE AND INSURANCE ADJUSTER LICENSE

§114-2A-1. General.

1.1. Scope. -- This legislative rule establishes standards and processes for the procurement of fingerprints from applicants for resident insurance producer licenses and resident insurance adjuster licenses for the purpose of obtaining a criminal history record check from the Federal Bureau of Investigation and State Police.

1.2. Authority. -- W.Va. Code §§33-2-10, 33-12-37, 33-12B-6, and 33-12B-12.

1.3. Filing Date. -- April 8, 2026.

1.4. Effective Date. -- April 8, 2026.

1.5. Sunset Date. -- This rule shall terminate and have no further force or effect upon August 1, 2036.

§114-2A-2. Definitions.

2.1. "Applicant" means a natural person applying for:

2.1.1. An initial home state license as an individual insurance producer or individual insurance adjuster;

2.1.2. An additional line of authority under an existing home state individual insurance producer or individual insurance adjuster license where a criminal history record check has not been obtained; or

2.1.3. A resident individual insurance producer or individual insurance adjuster license under a change of home state provision.

2.2. "Fingerprint" means an impression of the lines on the finger taken for the purpose of identification. The impression may be obtained electronically or in ink converted to an electronic format.

2.3. "Initial home state license" means an insurance producer license issued to a West Virginia resident pursuant to the provisions of W.Va. Code §33-12-1 *et seq*. to authorize such individual to sell, solicit and negotiate insurance in this state; an initial home state license does not include a temporary license issued pursuant to the provisions of W.Va. Code §33-12-16 or a reinstatement of a resident license pursuant to the provisions of W.Va. Code §33-12-9(c). "Initial home state license" also means an insurance adjuster license issued to a West Virginia resident pursuant to the provisions of W.Va. Code §33-12B-1 *et seq*. to authorize such individual to investigate, negotiate or settle insurance claims in this state; an initial home state license does not include a temporary license issued pursuant to the provisions of W.Va. Code §33-12B-4 or a reinstatement of a resident license pursuant to the provisions of W.Va. Code §33-12B-10.

2.4. "Licensee" means a person who has been issued a license by the Insurance Commissioner, pursuant to W.Va. Code §§33-12-1 *et seq*. or 33-12B-1 *et seq*. to act as an individual insurance producer or individual insurance adjuster in this state.

§114-2A-3. Producer Fingerprints.

3.1. Every applicant must:

3.1.1. Provide for the collection of a complete set of fingerprints in accordance with section 5 of this rule and submit the completed fingerprint card to the Insurance Commissioner with his or her application;

3.1.2. Pay the applicable fee to cover the fingerprint vendor and processing fees charged by the West Virginia State Police and the Federal Bureau of Investigation to perform the criminal history record checks. The fee will be payable to the vendor that collects the prints or, if the prints are collected by an approved law enforcement agency, directly to the Insurance Commissioner with the application; and

3.1.3. Submit all additional identifying information required by the West Virginia State Police and the Federal Bureau of Investigation to complete the criminal history record check.

3.2. The Insurance Commissioner may waive the fingerprint requirement if the applicant previously provided the commissioner a complete, legible fingerprint card or electronic set of fingerprints as part of an earlier application that was granted under W.Va. Code §33-12-1 *et seq*., W.Va. Code §33-12B-1 *et seq*. or W.Va. Code §33-12C-1 *et seq*. and which license is in good standing on, or within the previous sixty (60) days prior to, the date of the subsequent application: *Provided*, That the Insurance Commissioner may require a complete set of fingerprints and payment of all fingerprint processing fees from an applicant if the previously submitted set of fingerprints is unable to be used to obtain a criminal history record check.

3.3. The Insurance Commissioner may waive any requirements of this rule if it is impossible for the applicant to provide fingerprints due to physical injury.

3.4. Failure to provide a complete set of fingerprints and the required fees and information in accordance with this rule constitutes grounds for denial of an application.

§114-2A-4. Provisional Work Authority; Change in Residence Status.

4.1. The Insurance Commissioner may issue a provisional license prior to receipt of a criminal history record check to an applicant who has submitted in proper form the items required by section 3 of this rule if the submission does not disclose any matter that may disqualify the applicant from being licensed. A provisional license issued pursuant to this section shall expire on the earlier of the expiration date set forth on the provisional license or the issuance of the Insurance Commissioner's decision granting or denying the license applied for.

4.2. An applicant seeking a resident insurance producer license or resident insurance adjuster license under change of home state provisions shall, within thirty (30) days after establishing residency in West Virginia, notify the Insurance Commissioner of his or her change of address and contact information and, within ninety (90) days of establishing residency, submit an application to qualify as a resident insurance producer or resident insurance adjuster in West Virginia. The licensee shall submit completed fingerprint forms in a format prescribed by the Insurance Commissioner, including electronic fingerprinting. Upon the Insurance Commissioner's approval of the application, the licensee's status shall be changed from nonresident to resident.

§114-2A-5. Fingerprint Format and Complete Application.

5.1. Every applicant shall provide a complete set of his or her fingerprints to an examination vendor or a criminal law enforcement agency (including a sheriff's office or police department) that has been approved by the Insurance Commissioner. The applicant shall pay the vendor or the law enforcement agency the fee it charges for collecting the fingerprints. The amount of any collection fee and the manner in which it is to be paid shall be set forth in a contract or agreement between the Insurance Commissioner and the vendor or agency. Applicants are advised that processing time and rejection rates for applications and submissions with paper fingerprint cards may be substantially greater than with electronic fingerprints.

5.2. Approved vendors and law enforcement agencies may obtain fingerprint cards by sending a written request to the Licensing and Education Division of the Offices of the West Virginia Insurance Commissioner.

5.3. All fingerprint impressions must be legible and suitable for use by the West Virginia State Police and Federal Bureau of Investigation.

5.4. An application for licensure is not complete until the Insurance Commissioner receives the criminal history record information.

§114-2A-6. Use of Fingerprints.

The Insurance Commissioner shall submit all fingerprints received pursuant to this rule to the West Virginia State Police and the Federal Bureau of Investigation to obtain criminal history record checks and use the information obtained only to determine applicants' fitness for licensure, authorization, certification, permit, registration or control of an entity holding or seeking a license, authorization, certificate, permit, or registration.

§114-2A-7. Nonresident Producers.

7.1. As authorized under W.Va. Code §33-12-33, the Insurance Commissioner may waive the requirement in W.Va. Code §33-12-37 to promote reciprocal licensing between the states for nonresident individuals holding an individual insurance producer license in their state of residence or to the extent necessary to comply with federal law.

7.2. The requirements of this rule do not alter the reporting requirements set forth in W.Va. Code §33-12-34.