

WEST VIRIGNIA INFORMATIONAL LETTER

NO. 42

May 1987

TO: All Insurance Companies Licensed To Do Business  
In The State of West Virginia, Insurance Trade  
Associations, Insurance Media Publications And  
All Other Interested Persons

The purpose of this Informational Letter is to briefly summarize the most significant insurance legislation enacted during the 1987 regular session of the West Virginia Legislature. This letter should not be construed as inclusive of all legislation which may affect the insurance industry or insurance consumers, but rather, is intended to highlight the more important bills.

Persons seeking a copy of particular legislation should contact West Virginia Legislature, Senate Clerks Office, Main Unit, State Capitol, Charleston, West Virginia 25305, telephone 304/357-7800 or House Clerks Office telephone 304/340-3200.

## 1987 INSURANCE LEGISLATION

### Senate Bill No. 215 -- Commercial Whitewater Responsibility Act

This bill establishes the standard of duty for commercial whitewater outfitters and guides and persons using the services of such outfitters and guides. Standards for determining the liability of outfitters and guides for loss, damage or injury to persons using their services are also established. The Director of Natural Resources is required to conduct certain studies concerning commercial whitewater rafting, outfitting and related activities, appoint a Commercial Whitewater Advisory Board and promulgate certain regulations. The bill becomes effective on June 10, 1987.

### Senate Bill No. 487 -- Mass Marketed Life And Health Insurance Coverage

This bill provides that no mass marketed life or health insurance coverage may be sold in West Virginia without prior approval of the policy benefits and rates by the Insurance Commissioner, including coverage marketed under a group policy issued outside of West Virginia. Insurers extending mass marketed life and health coverage under a group policy issued outside of West Virginia are specifically required to comply with state requirements concerning advertising and claim settlement practices. "Free look" requirements for medicare supplement policies are also established. The bill becomes effective on June 12, 1987.

### Senate Bill No. 748 -- Legislative Rule Concerning Examiners Compensation, Qualification and Classification

This bill authorizes a proposed legislative rule by the Insurance Commissioner concerning examiners compensation, qualification and classification. The bill became effective on March 14, 1987.

### House Bill No. 2899 -- Termination of Accident and Sickness Coverage Due to AIDS

This bill prohibits cancellation or non-renewal of accident and sickness coverage of any insured because of diagnosis or treatment of acquired immune deficiency syndrome. The bill becomes effective on June 12, 1987.

### House Bill No. 2970 -- Captive Insurance; Risk Retention Act

This bill establishes guidelines for the regulation and operation of captive insurance companies and risk retention groups in West Virginia. The bill becomes effective on June 12, 1987.

Fred E. Wright  
Insurance Commissioner of  
the State of West Virginia