



Volume 5

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2020 Legislative Summary

The 2020 Regular Legislative Session proved to be extraordinarily busy in that a record 355 bills were sent to Governor Justice's desk for a signature.

On Saturday, The House concurred with the Senate amendments to Senate Bill [150](#), the Budget Bill, and it completed legislation.

The Budget Bill allocates \$108 million to fully eliminate the waitlist for the I/DD Waiver. This was a priority for this session by both bodies of the Legislature and Governor Jim Justice.

The budget allocates \$16.8 million for the foster care system within the state under House Bill 4092. The budget also provides \$3.3 million to fund a second location for the Mountaineer Challenge Academy, which is a program that trains and mentors at-risk youths from the ages of 16-18 in a 22-week program.

The House concurred with the Senate amendment and provided an additional amendment to House Bill [4092](#). House Bill [4092](#) provides major structural change to the state's struggling foster care system and seeks to address many issues. One of the most important parts of the bill is a per diem rate increase for foster and kinship families.

Senate Bill [597](#) - Provides a five percent pay raise for Supreme Court Justices, circuit court judges and magistrates. The last time there was a judicial pay raise was in 2011. Originally, the amount of the raise in Senate Bill [597](#) was higher, but the House Finance Committee amended this amount to mirror the five percent pay raise that state employees received the previous year. This raise will be implemented July 1, 2020.

Senate Bill [275](#) - Establishing an Intermediate Court of Appeals. Failed to meet the required majority vote necessary for passage in the House on Friday. This has been an important and widely discussed bill during the legislative session.

IIAWV Specific Legislation:

HB 4466 - Certificates of Insurance Act. Completed legislative action. The purpose of this bill is to give the Insurance Commissioner authority over certain certificates of insurance. It addresses form requirements, limitations on use, notice requirements, applicability, enforcement, penalties and rulemaking. This bill provides:

§33-53-3. - Certificate forms.

(a) The Commissioner of Insurance shall prohibit the use of a certificate of insurance form if the form:

- (1) Is unfair, misleading, or deceptive, or violates public policy; or
- (2) Violates any law, including any rule promulgated by the commissioner.

(b) A certificate of insurance is not a policy of insurance and does not affirmatively or negatively amend, extend, or alter the coverage afforded by the policy to which the certificate of insurance makes reference. A certificate of insurance does not confer to any person new or additional rights beyond what the referenced policy of insurance expressly provides.

§33-53-4. - Limitations on use.

(a) A person may not:

- (1) Prepare, issue, or request or require the issuance of a certificate of insurance that contains any false or misleading information concerning the policy of insurance to which the certificate of insurance refers; or
- (2) Prepare, issue, or request or require the issuance of a certificate of insurance that purports to affirmatively or negatively alter, amend, or extend the coverage provided by the policy of insurance to which the certificate of insurance refers.

(b) A certificate of insurance may not warrant that the policy of insurance referenced in the certificate comply with the insurance or indemnification requirements of a contract and the inclusion of a contract number or description within a certificate of insurance may not be interpreted as doing such.

This is a huge win for IIAWV. We are working with the Big "I" to create template letters agents can use when they receive improper certificate requests.

HB 4149 - Relating to insurance. Signed by the Governor. The purpose of this bill is to add definitions relating to insurance.

SB 659 Prohibiting insurance companies from using credit ratings to establish home and auto premiums. Failed to be taken up for consideration. The purpose of this bill is to prohibit insurance companies from using credit ratings when establishing home and automobile insurance premiums.

SB 787 Providing benefits to pharmacists for rendered care. Completed legislative action. The purpose of this bill is to provide benefits to pharmacists for care rendered within the pharmacist's scope of practice if such benefits would ordinarily be paid if the service was performed by another health care provider.

SB 849 Relating to military service as factor in certain insurance coverage rates Completed legislative action. Relating to military service as a factor in certain insurance coverage rates generally; prohibiting an insurance company from increasing premiums when reinstating an insurance contract; writing a new policy that was previously cancelled or suspended due to active duty military service of the insured; defining terms; and creating presumption of continuous coverage when lapse occurs while insured is on active duty.

HB 2321 Allowing workers' compensation benefits for first responders diagnosed with post-traumatic stress disorder. Passed the House, passed the Senate Health and Human Resources Committee, failed to be taken up in the Senate Finance committee. The purpose of this bill is to provide workers' compensation to first responders diagnosed with Post-Traumatic Stress Disorder by a psychiatrist from an event that occurred during their employment.

HB 4058 Relating to pharmacy benefit managers. Signed by the Governor. The purpose of this bill is to update the law regulating pharmacy benefit managers

HB 4061 Health Benefit Plan Network Access and Adequacy Act. Completed legislative action. The purpose of this bill is to create and implement the Health Benefit Network Access and Adequacy Act

HB 4146 Relating to credit for reinsurance. Completed legislative action. The purpose of this bill is to implement the reinsurance collateral provisions set forth in agreements entered into between the United States and European Union. The legislation amends current requirements concerning credit for reinsurance, which is a credit reflected on a ceding insurer's annual statement showing reinsurance premiums ceded and losses recoverable from the reinsurer

HB 4192 Relating to the establishment of an insurance innovation process. Failed to be taken up for consideration. The purpose of this bill is to establish a process in which a person or entity may apply to the Insurance Commissioner for the introduction and utilization of an insurance innovation in this state that would otherwise be in conflict with West Virginia law.

HB 4198 Permitting a person to obtain a 12-month supply of contraceptive drugs. Completed legislative action. The purpose of this bill is to permit a person to obtain a 12-month supply of contraceptive drugs.

HB 4359 Modifying the filing fees for insurers. Completed legislative action. The purpose of this bill is to provide a uniform definition of "filing" and set a flat filing fee regarding insurance forms, rules, and rates

[HB 4361](#) Relating to insurance law violations. Completed legislative action. The purpose of this bill is to update the provisions of the Insurance Fraud Prevention Act.

[HB 4474](#) Relating to peer-to-peer car sharing programs. Completed legislative action. The purpose of this bill is to create a regulatory framework for the operation of and use of peer-to-peer car sharing programs in the State of West Virginia.

[HB 4502](#) Relating to insurance adjusters. Completed legislative action. The purpose of this bill is to update the requirements for insurance adjusters to become licensed, and maintain licensure, in this state.

[HB 4751](#) Providing a tax credit for dues paid to trade associations. Failed to be taken up for consideration. The purpose of this bill is to provide a tax credit for dues paid to trade associations.

General Business:

[HB 2646](#) – Wage & Hour Safe Harbor. Completed legislative action. Providing a safe harbor for employers to correct underpayment or nonpayment of wages and benefits due to separated employees.

[HB 4001](#) – Establishing the Mountaineer Impact Fund. Completed legislative action. One of House Speaker Roger Hanshaw’s top priorities is establishing a capital investment fund that would let the State partner with companies or the sovereign funds of other nations.

[HB 4090](#) – Abandoned Gas & Oil Well Plugging Fund. Completed legislative action. Creating the Oil and Gas Abandoned Well Plugging Fund.

[HB 4615](#) – West Virginia Critical Infrastructure Protection Act. Completed legislative action. This bill would protect critical infrastructure in West Virginia by adding a new criminal penalty for anyone who knowingly damages, destroys, vandalizes, defaces or tampers with equipment at a critical infrastructure project.

[HB 4619](#) – Electric Utility Middle-Mile Broadband. Completed legislative action. Approving plans proposed by electric utilities to install middle-mile broadband fiber.

[SB 138](#) - Incentives for consolidating local governments. Failed to complete legislative action. Senate Bill 138 provides incentives to local governments that consolidate. The bill does not force or require consolidation in any way; it only provides incentives for local governments to do so.

[HB 2088](#) - Relating to admissibility of evidence regarding seat-belt use. Failed to complete legislative action. HB 2088 would allow evidence as to whether an individual was wearing a seat belt in a vehicle crash to be admissible in court.

If you have questions about any of the legislation above, please contact Government Affairs Director Daniel Hall at daniel@omegawv.com.