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HOUSE BILL NO. 62

Offered January 12, 2022

Prefiled January 3, 2022

A BILL to amend and reenact §§ 38.2-1902, 38.2-2218, and 38.2-2219 of the Code of Virginia and to repeal § 38.2-3515 of the Code of Virginia, relating to insurance; exceptions to the regulation of rates; notice provisions; repeal airtrip accident policy provision.

Patron—Ward

Referred to Committee on Commerce and Energy

Be it enacted by the General Assembly of Virginia:

1. That §§ 38.2-1902, 38.2-2218, and 38.2-2219 of the Code of Virginia are amended and reenacted as follows:

§ 38.2-1902. Scope of chapter.

A. Except as provided in subsection B of this section, this chapter applies to the classes of insurance defined in §§ 38.2-110 through 38.2-122, 38.2-124 through 38.2-128 and 38.2-130 through 38.2-133.

B. This chapter does not apply to:

1. Insurance written through the Virginia Workers' Compensation Plan pursuant to Chapter 20 (§ 38.2-2000 et seq.) of this title;

2. Insurance on a specific risk as provided in § 38.2-1920;

3. Reinsurance, other than joint reinsurance, to the extent stated in § 38.2-1915;

4. Life insurance as defined in § 38.2-102;

5. Annuities as defined in §§ 38.2-106 and 38.2-107;

6. Accident and sickness insurance as defined in § 38.2-109;

7. Title insurance as defined in § 38.2-123;

8. Insurance of vessels or craft used primarily in a trade or business, their cargoes, marine builders' risks and marine protection and indemnity;

9. Insurance against loss of or damage to hulls of aircraft, including their accessories and equipment, or against liability, other than workers' compensation and employers' liability, arising out of the ownership, maintenance or use of aircraft;

10. ~~Automobile bodily injury and property damage liability insurance issued to: (i) any motor carrier of property who is required to file such insurance with the Department of Motor Vehicles pursuant to § 46.2-2053 or any amendment to that section; or (ii) any motor carrier of property required by 49 U.S.C.A. § 315, or any rule or regulation prescribed by the Interstate Commerce Commission pursuant to 49 U.S.C.A. § 315, to file such insurance with the Interstate Commerce Commission;~~

~~11. Insurance written through the Virginia Automobile Insurance Plan. However, § 38.2-1905 shall apply to insurance written through the Plan;~~

~~12. 11. Insurance provided pursuant to Chapter 27 (§ 38.2-2700 et seq.) of this title;~~

~~13. 12. Home protection contracts as defined by § 38.2-2600 and their rates until such time as the Commission determines there is sufficient competition in the industry as provided by § 38.2-2608.~~

C. This chapter shall not apply to any class of insurance written (i) by any mutual assessment property and casualty insurance company organized and operating under the laws of this Commonwealth and doing business only in this Commonwealth or (ii) by any mutual insurance company or association organized under the laws of this Commonwealth, conducting business only in this Commonwealth, and issuing only policies providing for perpetual insurance.

§ 38.2-2218. Adoption of standard forms for motor vehicle insurance.

The Commission shall prepare a standard form whenever it believes that any form of policy or any form of rider, endorsement, or other supplemental agreement or provision, for use in connection with any contract of motor vehicle insurance to be issued or delivered upon any motor vehicle principally garaged or principally used in this Commonwealth, is so extensively used that a standard form is desirable. The Commission shall file a copy of the standard form in its office and shall provide by order that, at least ~~thirty~~ 30 days after the order, the form shall become a standard form for use by all insurers unless objection to the proposed form is filed with the Commission within ~~twenty~~ 20 days after the entry of the order. The Commission shall ~~mail a copy~~ provide notice of its order to all insurers licensed to transact the class of insurance to which the form is applicable, and to all rate service and advisory organizations representing those insurers.

§ 38.2-2219. Hearing on objections to the form.

If any insurer or rate service organization affected by an order entered pursuant to § 38.2-2218 files

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59 objections to a proposed standard form within the time prescribed in the Commission's order, the
60 Commission shall rescind the order and shall ~~notify~~ *provide notice of the rescission to* all insurers and
61 rate service organizations affected by the order that on a day specified in the notice, which shall be at
62 least ~~thirty~~ 30 days from the date on which the objections are received, it will hold a public hearing on
63 the adoption of the proposed form, and that at the hearing any person interested may appear and be
64 heard. After the hearing the Commission may by order confirm or amend the proposed form and set a
65 day, at least ~~thirty~~ 30 days after the entry of the order, when the approved form shall become a standard
66 form for use by all insurers. The Commission may by ~~like~~ order refuse to adopt the proposed form.
67 **2. That § 38.2-3515 of the Code of Virginia is repealed.**