

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact §§ 38.2-1902, 38.2-2218, and 38.2-2219 of the Code of Virginia and to*
 3 *repeal § 38.2-3515 of the Code of Virginia, relating to insurance; exceptions to the regulation of*
 4 *rates; notice provisions; repeal airtrip accident policy provision.*

[H 62]

Approved

7 **Be it enacted by the General Assembly of Virginia:**

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

10 **§ 38.2-1902. Scope of chapter.**

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

13 B. This chapter does not apply to:

14 1. Insurance written through the Virginia Workers' Compensation Plan pursuant to Chapter 20
 15 (§ 38.2-2000 et seq.) of this title;

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

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

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

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

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

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

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

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

27 10. ~~Automobile bodily injury and property damage liability insurance issued to: (i) any motor carrier~~
 28 ~~of property who is required to file such insurance with the Department of Motor Vehicles pursuant to~~
 29 ~~§ 46.2-2053 or any amendment to that section; or (ii) any motor carrier of property required by 49~~
 30 ~~U.S.C.A. § 315, or any rule or regulation prescribed by the Interstate Commerce Commission pursuant~~
 31 ~~to 49 U.S.C.A. § 315, to file such insurance with the Interstate Commerce Commission;~~

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

34 ~~12. 11. Insurance provided pursuant to Chapter 27 (§ 38.2-2700 et seq.) of this title;~~

35 ~~13. 12. Home protection contracts as defined by § 38.2-2600 and their rates until such time as the~~
 36 ~~Commission determines there is sufficient competition in the industry as provided by § 38.2-2608.~~

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

42 **§ 38.2-2218. Adoption of standard forms for motor vehicle insurance.**

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

53 **§ 38.2-2219. Hearing on objections to the form.**

54 If any insurer or rate service organization affected by an order entered pursuant to § 38.2-2218 files
 55 objections to a proposed standard form within the time prescribed in the Commission's order, the
 56 Commission shall rescind the order and shall ~~notify~~ provide notice of the rescission to all insurers and

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