

1 **ENGROSSED**

2 COMMITTEE SUBSTITUTE

3 for

4 **H. B. 4486**

5  
6 (By Delegates Miley, Hatfield, Ellem, Poore,  
7 Reynolds, Hunt, Walters and Manchin)

8 (Originating in the Committee on the Judiciary)

9 [February 22, 2012]

10  
11 A BILL to amend the Code of West Virginia, 1931, as amended, by  
12 adding thereto a new section, designated §55-7-27, relating  
13 to the disclosure of certain information regarding liability  
14 insurance coverage.

15 *Be it enacted by the Legislature of West Virginia:*

16 That the Code of West Virginia, 1931, as amended, be amended  
17 by adding thereto a new section, designated §55-7-27, to read as  
18 follows:

19 **ARTICLE 7. ACTIONS FOR INJURIES.**

20 **§55-7-27. Disclosure of certain insurance information required.**

21 (a) (1) Each insurer which does or may provide liability  
22 insurance coverage to pay all or a portion of any claim which is  
23 made shall provide, within thirty days of a written request of  
24 the claimant, or the claimant's attorney, a statement, under  
25 oath, of a corporate officer or the insurer's claims manager or

1 superintendent providing the following information relating to  
2 each known policy of insurance, including excess or umbrella  
3 insurance:

4 (A) The name of the insurer;

5 (B) The name of each insured;

6 (C) The limits of the liability coverage;

7 (D) A statement of any policy or coverage defense which the  
8 insurer reasonably believes is available to the insurer at the  
9 time of the filing of the statement;

10 (E) A copy of the policy;

11 (2) In addition, the insured, or his or her insurance agent,  
12 upon written request of the claimant or the claimant's attorney,  
13 shall disclose the name of each known insurer to the claimant and  
14 shall forward the request for information as required by this  
15 subsection to all affected insurers. The insurer shall then  
16 supply the information required in this subsection to the  
17 claimant within thirty days of the request.

18 (b) The statement required by subdivision (1), subsection  
19 (a) of this section shall be amended immediately upon discovery  
20 of facts calling for an amendment to the statement.