

# **WEST VIRGINIA LEGISLATURE**

**SECOND REGULAR SESSION, 2012**



# **ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR**

**House Bill No. 4486**

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



Passed March 10, 2012

To Take Effect Ninety Days From Passage

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## H. B. 4486

(BY DELEGATES MILEY, HATFIELD, ELLEM, POORE,  
REYNOLDS, HUNT, WALTERS AND MANCHIN)

[Passed March 10, 2012; to take effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §33-6F-2, relating to the disclosure of certain information regarding liability insurance coverage.

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §33-6F-2, to read as follows:

### **ARTICLE 6F. DISCLOSURE OF NONPUBLIC PERSONAL INFORMATION.**

#### **§33-6F-2. Disclosure of certain insurance information required.**

1 Notwithstanding the provisions of section one, article six-  
2 f, of this chapter:

3 (a) Each insurer that may provide personal lines liability  
4 insurance coverage as that term is defined in section nine,  
5 article twelve of this chapter to pay all or a portion of a claim  
6 asserted against an insurance policy insuring a motor vehicle

7 shall provide, within thirty days of its receipt of a written  
8 request from a claimant's attorney who has given written  
9 notice that he or she represents the claimant: (1) A response  
10 providing the following information relating to each of the  
11 insurer's known policies of insurance, including excess or  
12 umbrella insurance, which does or may provide liability  
13 coverage for the claim:

14 (A) The name of the insurer;

15 (B) The name of each named insured of the subject  
16 policy; and

17 (C) The limits of any motor vehicle liability insurance  
18 policy at the time of the events that are the subject of the  
19 claim; or

20 (2) The declarations page of any motor vehicle liability  
21 policy applicable at the time of the events that are the subject  
22 of the claim, appropriately redacted to comply with  
23 applicable privacy laws or regulations;

24 (b) Any written request by the claimant's attorney under  
25 this section must include: (1) The date and location of the  
26 events that are the subject of the claim; (2) the name and, if  
27 known, the last known address of the insured; (3) a copy of  
28 the accident or incident report, if any; (4) the insurer's claim  
29 number; (5) a good faith estimate and documentation of all of  
30 the claimant's medical expenses if any and any wage loss  
31 documentation as of the date of the request, if any; and (6)  
32 documentation as of the date of the request of any and all  
33 property damage.

34 (c) Disclosure of the information required by subsection  
35 (a) of this section shall not constitute an admission that the  
36 alleged injury or damage is subject to the policy, nor shall

37 such disclosure waive any reservation of rights an insurer  
38 may have.

39 (d) No information disclosed by any party pursuant to this  
40 section shall be, by reason of such disclosure, admissible as  
41 evidence at trial.

42 (e) An insurer's compliance with this section does not  
43 constitute a violation of this article, or subsection twelve,  
44 section eleven, article six of this chapter.

45 (f) An insurer that fails to comply with this section is  
46 subject to a penalty of five hundred dollars, plus reasonable  
47 attorneys' fees and expenses incurred in obtaining disclosure  
48 of the information required by subsection (a) of this section.  
49 This penalty is the sole and exclusive remedy for an insurer's  
50 failure to comply with this section.



The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

To take effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2012.

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*Governor*