

**WEST VIRGINIA LEGISLATURE**  
**EIGHTY-FIRST LEGISLATURE**  
**REGULAR SESSION, 2013**



**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 534**

(SENATOR PALUMBO, *ORIGINAL SPONSOR*)

[PASSED APRIL 11, 2013; IN EFFECT FROM PASSAGE.]

**E N R O L L E D**  
COMMITTEE SUBSTITUTE  
FOR

**Senate Bill No. 534**

(SENATOR PALUMBO, *original sponsor*)

[Passed April 11, 2013; in effect from passage.]

AN ACT to amend and reenact §33-6F-2 of the Code of West Virginia, 1931, as amended, relating to correcting an internal reference of the code with regard to insurance information disclosure.

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

That §33-6F-2 of the Code of West Virginia, 1931, as amended, be amended and reenacted 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 of this  
2       article:

3       (a) Each insurer that provides 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:

10 (1) A response providing the following information  
11 relating to each of the insurer's known policies of insurance,  
12 including excess or umbrella insurance, which does or may  
13 provide liability 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 rules;

24 (b) Any written request by the claimant's attorney under  
25 this section must include:

26 (1) The date and location of the events that are the subject  
27 of the claim;

28 (2) The name and, if known, the last known address of  
29 the insured;

30 (3) A copy of the accident or incident report, if any;

31 (4) The insurer's claim number;

32 (5) A good-faith estimate and documentation of all of the  
33 claimant's medical expenses if any and any wage loss  
34 documentation as of the date of the request, if any; and

35 (6) Documentation as of the date of the request of any  
36 and all property damage.

37 (c) Disclosure of the information required by subsection  
38 (a) of this section is not an admission that the alleged injury  
39 or damage is subject to the policy, nor does the disclosure  
40 waive any reservation of rights an insurer may have.

41 (d) The information disclosed by any party pursuant to  
42 this section, by reason of the disclosure, is not admissible as  
43 evidence at trial.

44 (e) An insurer's compliance with this section does not  
45 constitute a violation of this article, or subsection (12),  
46 section four, article eleven of this chapter.

47 (f) An insurer that fails to comply with this section is  
48 subject to a penalty of \$500, plus reasonable attorneys' fees  
49 and expenses incurred in obtaining disclosure of the  
50 information required by subsection (a) of this section. This  
51 penalty is the sole and exclusive remedy for an insurer's  
52 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 Senate Committee*

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*Chairman House Committee*

Originated in the Senate.

In effect from passage.

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*Clerk of the Senate*

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*Clerk of the House of Delegates*

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*President of the Senate*

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*Speaker of the House of Delegates*

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The within ..... this the .....

Day of ....., 2013.

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*Governor*