

COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 534**

(By Senator Palumbo)

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[Originating in the Committee on Judiciary;  
reported March 20, 2013.]

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A BILL 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: ~~six-f, of this chapter~~

3 (a) Each insurer that ~~may provide~~ provides personal lines  
4 liability insurance coverage, as that term is defined in section  
5 nine, article twelve of this chapter, to pay all or a portion of  
6 a claim asserted against an insurance policy insuring a motor  
7 vehicle shall provide, within thirty days of its receipt of a  
8 written request from a claimant's attorney who has given  
9 written 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 ~~regulations~~ 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  
27 subject 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 ~~shall not constitute~~ is not an admission that  
39 the alleged injury or damage is subject to the policy, nor ~~shall~~  
40 ~~such~~ does the disclosure waive any reservation of rights an  
41 insurer may have.

42 (d) ~~No~~ The information disclosed by any party pursuant  
43 to this section, ~~shall be~~ by reason of ~~such~~ the disclosure, is  
44 not admissible as evidence at trial.

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

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

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(NOTE: The purpose of this bill is to correct an internal reference in the code with regard to insurance information disclosure which is supposed to make clear that providing certain required information is not a violation of the insurer's responsibility to maintain the confidentiality of consumer financial and health information.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)