

FILED

2013 APR 29 PM 5:11

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.]

SB 534

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SECRETARY OF STATE

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.

Roby Ferguson
.....
Member-Chairman Senate Committee

Jimmy Wells
.....
Chairman House Committee

Originated in the Senate.

In effect from passage.

Joseph M. Minard
.....
Clerk of the Senate

Sherry B. B.
.....
Clerk of the House of Delegates

Jeffery V. F.
.....
President of the Senate

Robert B.
.....
Speaker of the House of Delegates

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SECRETARY OF STATE
INDIANA

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The within *is approved* this the *29th*
Day of *April*, 2013.

Carl Ray Tomelich
.....
Governor

PRESENTED TO THE GOVERNOR

MAR 26 2013

Time 11:00 am