

# **WEST VIRGINIA LEGISLATURE**

## **2016 REGULAR SESSION**

**Introduced**

### **House Bill 2405**

**2015 Carryover**

(BY DELEGATE RODIGHIERO)

[Introduced January 13, 2016; referred to the  
Committee on Banking and Insurance then the  
Judiciary.]

1 A BILL to amend and reenact §17D-2A-4 of the Code of West Virginia, 1931, as amended, relating  
 2 to motor vehicle insurance; and providing a maximum repair cost for insured owners of  
 3 motor vehicles if a collision with a deer caused the damage.

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

1 That §17D-2A-4 of the Code of West Virginia, 1931, as amended, be amended and  
 2 reenacted to read as follows:

**ARTICLE 2A. SECURITY UPON MOTOR VEHICLES.**

**§17D-2A-4. Certificate of insurance.**

1 (a) All insurance carriers transacting insurance in this state shall supply a certificate to the  
 2 insured or to any person subject to the registration provisions of article three, chapter seventeen-  
 3 a of this code, certifying that there is in effect a motor vehicle liability policy upon such motor  
 4 vehicle in accordance with the provisions of article three, chapter seventeen-a of this code. The  
 5 certificate shall give its effective date and the effective date of the policy and, unless the policy is  
 6 issued to a person who is not the owner of a motor vehicle, must designate by explicit description,  
 7 in such detail as the commissioner of the Division of Motor Vehicles shall by rule require, all motor  
 8 vehicles covered and all replacement vehicles of similar classification: *Provided*, That on and  
 9 after July 1, 1984, insurance companies shall supply a certificate of insurance in duplicate for  
 10 each policy term and for each vehicle included in a policy, except for those listed in a fleet policy.  
 11 Each such certificate of insurance shall list the name of the policyholder and the name of the  
 12 vehicle owner if different from the policyholder.

13 The certificate must specify for each vehicle listed therein, that there is a minimum liability  
 14 insurance coverage not less than the requirements of section two, article four, chapter seventeen-  
 15 d of this code.

16 (b) The certificate provided pursuant to the provisions of this section or other proof of

17 insurance shall be carried by the insured in the appropriate vehicle for use as proof of security,  
 18 and must be presented at the time of vehicle inspection as required by article sixteen, chapter  
 19 seventeen-c of this code. Any person violating the provisions of this subsection is guilty of a  
 20 misdemeanor and, upon conviction thereof, shall be fined not less than \$200 nor more than  
 21 \$5,000; and upon a second or subsequent conviction, shall be fined not less than \$200 nor more  
 22 than \$5,000, or confined in ~~the county or regional~~ jail for not less than fifteen days nor more than  
 23 one year, or both: *Provided*, That an insured shall not be guilty of a violation of this subsection  
 24 (b) if he or she furnishes proof that such insurance was in effect within seven days of being cited  
 25 for not carrying such certificate or other proof in such vehicle.

26 (c) As used in this section, proof of insurance means a certificate of insurance, an  
 27 insurance policy, a mechanically reproduced copy of an insurance policy, a certificate of self-  
 28 insurance, or a copy of the current registration issued to a motor carrier by the Public Service  
 29 Commission: (1) Through the single state registration system established pursuant to section  
 30 fourteen, article six-a, chapter twenty-four-a of this code; or (2) pursuant to the provisions of  
 31 section four, article six, chapter twenty-four-a of this code.

32 (d) Notwithstanding any other provision in this code to the contrary, any person striking a  
 33 deer on a state highway shall not be liable for repair costs exceeding \$200 regardless of the  
 34 amount of the deductible required from their motor vehicle insurance policy.

NOTE: The purpose of this bill is to limit costs to insured automobile owners for repairs needed when they hit a deer on a state highway.

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