

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4286

BY DELEGATES WESTFALL, STANSBURY, MCCUSKEY,

B. WHITE, FRICH, HAMRICK AND WAXMAN

[Introduced January 26, 2016;

Referred to the Committee on Banking and Insurance

then the Judiciary.]

1 A BILL to amend and reenact §33-11-3 of the Code of West Virginia, 1931, as amended, relating
2 to the scope and application of the Unfair Trade Practices Act.

Be it enacted by the Legislature of West Virginia:

1 That §33-11-3 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 11. UNFAIR TRADE PRACTICES.

§33-11-3. Unfair methods of competition and unfair or deceptive acts or practices prohibited.

1 No person shall engage in this state in any trade practice which is defined in this article
2 as, or determined pursuant to section seven of this article to be, an unfair method of competition
3 or an unfair or deceptive act or practice in the business of insurance. No cause of action shall
4 arise and no claim may be brought under this article against a claims adjuster who is employed
5 by an insurance company and who is working within the scope of his or her employment.

NOTE: The purpose of this bill is to eliminate personal liability of insurance adjusters working within the scope of their employment.

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