

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4408

BY DELEGATES WESTFALL, MCCUSKEY AND HAMRICK

[Introduced February 5, 2016; Referred
to the Committee on Banking and Insurance then the
Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §33-12B-11b, relating to providing civil immunity to company insurance
 3 adjusters employed by an insurer from personal liability for claims of unfair trade practices;
 4 and providing that the immunity does not exempt company adjusters from requirements
 5 or responsibilities as a licensed adjuster.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended and reenacted by adding
 2 thereto a new section, designated §33-12B-11b, to read as follows:

ARTICLE 12B. ADJUSTERS.

§33-12B-11b. Prohibiting certain civil actions against company adjusters.

3 (a) Notwithstanding any other provision in this code to the contrary, a cause of action does
 4 not arise and a claim may not be brought against a company adjuster employed by an insurer
 5 and a company adjuster employed by an insurer may not be named individually as a defendant
 6 or be held personally liable in any civil lawsuit or cause of action in a court of law for civil damages
 7 arising out of his or her involvement in adjusting a claim or for any other act or omission in violation
 8 of article eleven, chapter thirty-three of this code while acting under the authority of his or her
 9 employer or in the course and scope of his or her employment.

10 (b) This section does not exempt an individual from any other duties or responsibilities as
 11 a company adjuster licensed pursuant to this article or from any other provisions of this code as
 12 a licensed company adjuster.

NOTE: The purpose of this bill is to provide civil immunity to company insurance adjusters employed by an insurer from personal liability for claims of unfair trade practices; and providing that the immunity does not exempt company adjusters from requirements or responsibilities as a licensed adjuster.

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