

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Introduced

House Bill 2026

BY DELEGATE RODIGHIERO

[Introduced February 8, 2017; 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 after
 9 July 1, 1984, insurance companies shall supply a certificate of insurance in duplicate for each
 10 policy term and for each vehicle included in a policy, except for those listed in a fleet policy. Each
 11 such certificate of insurance shall list the name of the policyholder and the name of the vehicle
 12 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 fined and confined: *Provided*, That an insured shall not be guilty of a violation
24 of this subsection (b) if he or she furnishes proof that such insurance was in effect within seven
25 days of being cited 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 a heading or the present law, and underscoring indicates new language that would be added.