

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Originating

Senate Bill 849

BY SENATORS AZINGER, BALDWIN, BEACH, CLEMENTS,
CLINE, HARDESTY, JEFFRIES, LINDSAY, MAYNARD,
PITSENBARGER, ROMANO, RUCKER, SMITH, WELD, AND
TRUMP

[Originating in the Committee on the Judiciary;
reported on February 24, 2020]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §33-6-40, relating to military service as a factor in certain insurance coverage
3 rates generally; prohibiting an insurance company from increasing premiums when
4 reinstating an insurance contract; writing a new policy that was previously cancelled or
5 suspended due to active duty military service of the insured; defining terms; and creating
6 presumption of continuous coverage when lapse occurs while insured is on active duty.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. THE INSURANCE POLICY.

§33-6.40 Active duty military service as factor in insurance rates.

1 (a) No person may deny, refuse to renew, cancel coverage, or charge an increased
2 premium for any fire, marine, or casualty insurance contract for an applicant or insured who is a
3 uniform service member solely based upon the applicant or insured's failure to meet underwriting
4 standards requiring continuous coverage when the failure to maintain coverage occurred while
5 the uniform service member was on active duty.

6 (b) As used in this section, uniform service member means the United States armed
7 forces, reserves, and the National Guard of this state.

8 (c) For purposes of this section, service in the National Guard includes any full-time active
9 duty for training, active duty operational support, active duty special work, state active duty as a
10 member of a National Guard unit or any periods of service under Title 32 of the United States
11 Code.

12 (d) For purposes of determining a premium, an insurer shall consider that a uniform
13 service member whose coverage lapsed or was discontinued during active duty service be
14 considered as having maintained continuous coverage.