

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4781

BY DELEGATE WESTFALL

[Introduced February 15, 2022; 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 article,
 2 designated §17-30-1, §17-30-2, §17-30-3, and §17-30-4; all relating to responsible driving,
 3 providing that a person who was an uninsured motorist and who sustained bodily injury or
 4 property damage as the result of a motor vehicle accident may not recover noneconomic
 5 damages for the person’s bodily injury or property damage

Be it enacted by the Legislature of West Virginia:

ARTICLE 30. RESPONSIBLE DRIVING ACT.

§17-30-1. Title.

1 This Act shall be known and cited as the “Fairness for Responsible Drivers Act.”

§17-30-2. Definitions.

1 (a) “Noneconomic damages” means consists for the following:

2 (1) Physical and emotional pain and suffering;

3 (2) Physical impairment;

4 (3) Emotional distress;

5 (4) Mental anguish;

6 (5) Loss of enjoyment;

7 (5) Loss of companionship, services, and consortium’

8 (7) Any other nonpecuniary loss proximately caused by a motor vehiclce accident.

9 (b) The term “Noneconomic damages” does not include consists for the following:

10 (1) Treatment and rehabilitation;

11 (2) Medical expenses;

12 (3) Loss of economic or educational potential;

13 (4) Loss of productivity;

14 (5) Absenteeism;

15 (5) Support expenses;

16 (7) Accidents or injury; and

17 (3) Any other pecuniary loss proximately caused by a motor vehicle accident.

§17-30-3. Prohibition on recovery of noneconomic damages.

1 (a) A person who was an uninsured motorist and who sustained bodily injury or property
2 damage as the result of a motor vehicle accident may not recover noneconomic damages for the
3 person’s bodily injury or property damage.

4 (b) The personal representative of a person who was an uninsured motorist and who died
5 as the result of a motor vehicle accident may not recover noneconomic damages for the persons
6 death.

7 (c) The provisions of this section shall not apply to an uninsured motorist who at the time
8 of the automobile accident has failed to maintain coverage for a period of 45 days or less and
9 who had maintained continuous coverage for at least one year immediately prior to such failure
10 to maintain coverage.

§17-30-4. Exceptions.

1 The prohibition against of noneconomic damages does not apply if the person who is liable
2 for injury, death, or damage:

- 3 (1) Was driving while under the influence of alcohol or a controlled substance:
- 4 (2) Acted intentionally, recklessly, or with gross negligence,
- 5 (3) Fled from the scene of the accident, or
- 6 (4) Was acting in furtherance of an offences or in immediate flight from an offences that
7 constitutes a felony under this code.

NOTE: The purpose of this bill is to prohibit the recovery of noneconomic damages for failure to maintain auto insurance.

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