

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-24-79

Time 1:45 p.m.

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1979

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# ENROLLED

HOUSE BILL No. 1542

(By Mr. Karras.....)

— ● —

Passed March 10,..... 1979

In Effect Ninety Days From..... Passage



No. 1542

ENROLLED

# H. B. 1542

(By MR. KARRAS)

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[Passed March 10, 1979; in effect ninety days from passage.]

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AN ACT to amend and reenact section four, article six-a, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to automobile liability insurance policies and the effect of nonrenewal of a policy which has been in effect for two consecutive years or longer.

*Be it enacted by the Legislature of West Virginia:*

That section four, article six-a, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

**ARTICLE 6A. CANCELLATION OR NONRENEWAL OF AUTOMOBILE LIABILITY POLICIES.**

**§33-6A-4. Advance notice of nonrenewal required; assigned risk policies; reasons for nonrenewal.**

1 No insurer shall fail to renew an outstanding automobile  
2 liability insurance policy unless such nonrenewal is preceded  
3 by at least forty-five days of advance notice to the named  
4 insured of such insurer's election not to renew such policy:  
5 *Provided*, That subject to this section, nothing contained in this  
6 article shall be construed so as to prevent an insurer from  
7 refusing to issue an automobile liability policy upon applica-  
8 tion to such insurer, nor shall any provision of this article be  
9 construed to prevent an insurer from refusing to renew such  
10 a policy upon expiration, except as to the notice requirements  
11 of this section, and except further as to those applicants law-

12 fully submitted pursuant to the West Virginia assigned risk  
13 plan: *Provided, however,* That an insurer may not fail to re-  
14 new an outstanding automobile liability insurance policy  
15 which has been in existence for two consecutive years or long-  
16 er except for the following reasons:

17 (a) The named insured fails to discharge when due any of  
18 his obligations in connection with the payment of premium  
19 for such policy or any installment thereof;

20 (b) The policy was obtained through material misrepre-  
21 sentation;

22 (c) The insured violates any of the material terms and  
23 conditions of the policy;

24 (d) The named insured or any other operator, either resi-  
25 dent in the same household or who customarily operates an  
26 automobile insured under such policy:

27 (1) Has had his operator's license suspended or revoked  
28 during the policy period; or

29 (2) Is or becomes subject to epilepsy or heart attacks, and  
30 such individual cannot produce a certificate from a physician  
31 testifying to his ability to operate a motor vehicle;

32 (e) The named insured or any other operator, either resi-  
33 dent in the same household or who customarily operates an  
34 automobile insured under such policy is convicted of or for-  
35 feits bail during the policy period for any of the following:

36 (1) Any felony or assault involving the use of a motor  
37 vehicle;

38 (2) Negligent homicide arising out of the operation of a  
39 motor vehicle;

40 (3) Operating a motor vehicle while under the influence of  
41 intoxicating liquor or of any narcotic drug;

42 (4) Leaving the scene of a motor vehicle accident in which  
43 the insured is involved without reporting as required by law;

44 (5) Theft of a motor vehicle or the unlawful taking of a  
45 motor vehicle;

46 (6) Making false statements in an application for a motor  
47 vehicle operator's license;

48 (7) A second violation, committed within a period of twelve  
49 months, of any moving traffic violation which constitutes a  
50 misdemeanor, whether or not the violations were repetitions  
51 of the same offense or were different offenses;

52 (f) The named insured or any other operator has had a  
53 second at-fault motor vehicle accident within a period of  
54 twelve months.

55 Nonrenewal of such policy for any reason is subject to  
56 hearing and review as provided in section five of this article.  
57 Cost of the hearing shall be assessed against the losing party  
58 but shall not exceed seventy-five dollars.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

*James L. Davis*  
Chairman Senate Committee

*Clarence C. Chestnut*  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*J. C. Willoughby*  
Clerk of the Senate

*C. A. Blankenship*  
Clerk of the House of Delegates

*H. J. Brinkley*  
President of the Senate

*Clayton M. Lee, Jr.*  
Speaker House of Delegates

The within *is approved* this the *24*  
day of *March*, 1979.

*John D. Raley*  
Governor

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OFFICE OF THE GOVERNOR

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