

# WEST VIRGINIA LEGISLATURE

## 2020 REGULAR SESSION

**Enrolled**

### **Senate Bill 849**

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2020 MAR 25 P 4:10

FILED

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

[Passed March 5, 2020; in effect from passage]

SB 849

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BY SENATORS AZINGER, BALDWIN, BEACH, CLEMENTS,  
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1 AN ACT 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 or 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. Military service as factor in insurance rates.**

1 With respect to any fire, marine, or casualty insurance contract, no person may deny,  
2 refuse to renew, cancel coverage, or charge increased premiums for applicants or insureds solely  
3 as a result of a uniformed service member's performance of active military duty in the United  
4 States armed forces or as a member of a reserve component of the United States armed forces,  
5 to include the National Guard of a state or territory, because the uniformed service member fails  
6 to meet underwriting standards that require continuous coverage unless the failure to maintain  
7 continuous coverage existed prior to the applicant's or insured's entry into active duty status and  
8 was not related in any way to the applicant's or insured's military service. For the purposes of this  
9 section, service in the National Guard includes any full-time active duty for training in the National  
10 Guard, active duty operational support, active duty special work, state active duty as a member  
11 of a National Guard unit, or any other periods of service pursuant to Title 32 of the United States  
12 Code or active service of the state or territory. For purposes of determining premiums, an insurer  
13 shall consider such persons as having maintained continuous coverage.

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

*Mark Haymond*  
.....  
Chairman, Senate Committee

*Robert Capito*  
.....  
Chairman, House Committee

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2020 MAR 25 P 4: 10

FILED

Originated in the Senate.

In effect from passage.

*Joe Cavin*  
.....  
Clerk of the Senate

*Steve Harris*  
.....  
Clerk of the House of Delegates

*Nita B. Carmichael*  
.....  
President of the Senate

*Wayne Gooden*  
.....  
Speaker of the House of Delegates

The within *is approved* this the *25th*  
Day of *March* ....., 2020.

*James Owens*  
.....  
Governor

PRESENTED TO THE GOVERNOR

MAR 12 2020

Time 3:02pm