WEST VIRGINIA CODE: §33-30-12

§33-30-12. Right of recourse.

(a) Except in the case of fraud by an insurer, the board does not have any right of recourse against the insurer and the insurer may settle losses in the customary manner consistent with this article.

(b) The board may require an insurer to attempt recovery from a policyholder for the amounts paid to such policyholder if, in the judgment of the board, the policyholder was not entitled to the amounts paid because of fraud or violation of the policy conditions. The costs of such recovery attempt shall be borne by the board. Any dispute under this section shall be subject to the hearing and appeal provisions of article two of this chapter.

(c) The Legislature hereby finds the duties and responsibilities of insurers under this article are to facilitate the availability of mine subsidence coverage in the state through and on behalf of the board; therefore, a policyholder may not bring a cause of action or any other action against the insurer for claims which have been reported to the board arising out of or relating to this article.

WV Legislature