

WEST VIRGINIA CODE: §33-30-6

§33-30-6. Mine subsidence coverage; waivers.

(a) Beginning October 1, 1982, every insurance policy issued or renewed insuring on a direct basis a structure located in this state shall include, at a separately stated premium, insurance for loss occurring on or after October 1, 1982, caused by mine subsidence unless waived by the insured: A waiver is not required and the coverage may only be provided if requested by the insured in the following counties: Berkeley, Cabell, Calhoun, Hampshire, Hardy, Jackson, Jefferson, Monroe, Morgan, Pendleton, Pleasants, Ritchie, Roane, Wirt, and Wood.

(b) The effective date of a new policy or endorsement containing mine subsidence insurance coverage shall be on the thirtieth calendar day after the application date. The premium charged for coverage shall be set by the board:

(1) At no time may the deductible be less than \$250 nor more than \$500; and total insured value reinsured by the board may not exceed \$200,000. In no event may the amount of mine subsidence reinsurance exceed the amount of the fire insurance on the structure.

(c) Recovery paid to the policyholder for an incurred covered loss, whether received before or after submission of the loss to the insurer, must first be applied to property damages. If a source other than the mine subsidence fund provides payment to an insured for a loss insured by the mine subsidence insurance program, the fund is only liable up to the statutory limit of reinsurance for the portion of the loss not covered by the other sources.