WEST VIRGINIA CODE CHAPTER 33 ARTICLE 53

WV Legislature

§33-53-1. Short title.

This article shall be known as the “Certificates of Insurance Act”.

WV Legislature

§33-53-2. Definitions.

For purposes of this article:

“Certificate of insurance” means a document or instrument, regardless of how titled or described, that is prepared or issued by an insurer or insurance producer as evidence or confirmation of the existence of property or casualty insurance coverage. The term does not include a statement of declaration, policy of insurance, insurance binder, policy endorsement, or automobile insurance identification or information card.

“Insurance producer” means a person required to be licensed under the laws of this state to sell, solicit, or negotiate property or casualty insurance.

“Insurer” means any organization that issues property or casualty insurance.

“Person” means any individual, partnership, corporation, association, or other legal entity, including any government or governmental subdivision or agency.

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§33-53-3. Certificate forms.

(a) The Commissioner of Insurance shall prohibit the use of a certificate of insurance form if the form:

(1) Is unfair, misleading, or deceptive, or violates public policy; or

(2) Violates any law, including any rule promulgated by the commissioner.

(b) A certificate of insurance is not a policy of insurance and does not affirmatively or negatively amend, extend, or alter the coverage afforded by the policy to which the certificate of insurance makes reference. A certificate of insurance does not confer to any person new or additional rights beyond what the referenced policy of insurance expressly provides.

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§33-53-4. Limitations on use.

(a) A person may not:

(1) Prepare, issue, or request or require the issuance of a certificate of insurance that contains any false or misleading information concerning the policy of insurance to which the certificate of insurance refers; or

(2) Prepare, issue, or request or require the issuance of a certificate of insurance that purports to affirmatively or negatively alter, amend, or extend the coverage provided by the policy of insurance to which the certificate of insurance refers.

(b) A certificate of insurance may not warrant that the policy of insurance referenced in the certificate comply with the insurance or indemnification requirements of a contract and the inclusion of a contract number or description within a certificate of insurance may not be interpreted as doing such.

WV Legislature

§33-53-5. Notice requirements.

A person is entitled to notice of cancellation, nonrenewal, or any material change, and to any similar notice concerning a policy of insurance only if the person has such notice rights under the terms of the policy of insurance or any endorsement to the policy. The terms and conditions of the notice are governed by the policy of insurance or endorsement and may not be altered by a certificate of insurance.

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§33-53-6. Applicability.

(a) The provisions of this article apply to all certificates of insurance issued in connection with a property or casualty insurance policy issued or renewed on or after July 1, 2020, and in connection with property, operations, or risks located in this state, regardless of where the policyholder, insurer, insurance producer, or person requesting or requiring the issuance of a certificate of insurance is located.

(b) A certificate of insurance or any other document or correspondence prepared, issued, requested, or required in violation of this article is void.

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§33-53-7. Enforcement, penalties and rulemaking.

(a) The Commissioner of Insurance shall examine and investigate the activities of any person that the commissioner reasonably believes has been or is engaged in an act or practice prohibited by this article.

(b) The commissioner may enforce the provisions of this article by any means permissible in this chapter, including by issuing orders to cease and desist. Any person who violates a provision of this article may, after notice and hearing pursuant to §33-2-13 of this code, be fined by the commissioner a sum not to exceed $1,000 per violation.

(c) The commissioner may propose rules for legislative approval in accordance with the provisions of §29A-3-1 *et seq.* of this code, necessary or reasonable to carry out the provisions of this article.

WV Legislature