WEST VIRGINIA CODE: §33-63-3

§33-63-3. Insurance requirements.

(a) A delivery network company shall ensure that during the delivery available period, if it applies, and during the delivery service period, primary motor vehicle liability insurance is in place that recognizes that the driver is a delivery network company driver or that does not exclude coverage for use of a personal vehicle to provide deliveries.

(b) During the delivery service period and delivery available period, the delivery network driver, delivery network company, or any combination of the two shall maintain insurance that insures the driver for liability to third parties of not less than $50,000 for damages arising out of bodily injury sustained by any one person in an accident, of not less than $100,000 for damages arising out of bodily injury sustained by all persons injured in an accident, and of not less than $25,000 for all damages arising out of damage to or destruction of property in an accident: *Provided*, That no provision in this article relieves the DNC and driver from the requirements of §17A-1-1 *et seq*. and §17D-1-1 *et seq*. of this code and from the uninsured motorists' coverage requirements of §33-6-31 of this code.

(c) If the insurance coverage maintained by a delivery network driver pursuant to subsections (a) and (b) of this section has lapsed or does not provide the required coverage, insurance maintained by the delivery network company shall provide the coverage required by this section beginning with the first dollar of a claim and the insurance maintained by the delivery network company shall have the duty to defend the claim.

(d) Coverage under a motor vehicle insurance policy maintained by the delivery network company shall not be dependent upon another motor vehicle liability insurer first denying a claim, nor shall another motor vehicle liability insurance policy be required to first deny a claim.

(e) Insurance coverage required by this section may be obtained from an insurance company duly licensed to transact business under the insurance laws of this state or by an eligible surplus lines broker under §33-12C-1 *et seq*. of this code.

(f) The coverage required pursuant to this section shall be deemed to meet the financial responsibility law of this state.

(g) A delivery network driver shall carry proof of insurance required pursuant to this section at all times while using a personal vehicle in connection with a digital network. In the event of an accident, a delivery network driver shall, upon request, provide insurance coverage information to the directly interested parties, motor vehicle insurers, and investigating law enforcement officers. The insurance coverage information may be displayed or provided in either paper or electronic form as provided in §17D-2A-4 of this code. A delivery network driver shall, upon request, disclose to the directly interested parties, motor vehicle insurers,

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and investigating law enforcement officers whether the driver was operating during the delivery available period or the delivery service period at the time of the accident.

(h) In a claims coverage investigation, a delivery network company or its insurer shall cooperate with all insurers that are involved in the claims coverage investigation to facilitate the exchange of information and shall immediately provide upon request by directly involved parties or any insurer the precise times that a delivery network driver began and ended the delivery available period, the delivery service period, or both periods on the delivery network company's digital network in the 12-hour period immediately preceding the accident and in the 12-hour period immediately following the accident. Insurers potentially providing the coverage required in this section shall disclose, upon request by any other such insurer involved in the particular claim, the applicable coverages, exclusions, and limits provided under any motor vehicle insurance maintained in order to satisfy the requirements of this section.

(i) The insurer or insurers of a delivery network company providing coverage under subsections (a) and (b) of this section shall assume primary liability for a claim when a dispute exists as to when the delivery available period, the delivery service period, or both periods began or ended and the delivery network company does not have available, did not retain, or fails to provide the information required by subsection (h) of this section.

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