

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945



ENROLLED

Committee Substitute for
HOUSE BILL No. *518*
Originating in House Judiciary Committee.

(By Mr.)



PASSED *March 8* 1945

In Effect *90 days from* Passage

58

3-12

ENROLLED
COMMITTEE SUBSTITUTE FOR
House Bill No. 58

(Originating in the House Committee on the Judiciary)

[Passed March 8, 1945; in effect ninety days from passage.]

AN ACT to amend chapter six of the code of West Virginia, one thousand nine hundred thirty-one, by adding thereto a new article to be designated article twelve, authorizing officers, boards, commissions and agencies of the state and of counties, municipalities and other units of state or local government, having the right to expend public funds, or to direct the expenditure of public funds, to provide at public expense for bodily injury liability and property damage liability insurance against the negligence of drivers of motor vehicles operated by or for such officers, boards, commissions and agencies, and authorizing such officers, boards, commissions and agencies to require contractors to provide like insurance.

Be it enacted by the Legislature of West Virginia:

That chapter six of the code of West Virginia, one thousand nine hundred thirty-one, be amended by adding thereto a new article to be designated article twelve, to read as follows:

Article 12. Bodily Injury and Property Damage Insurance by State and Local Governments.

Section 1. *Bodily Injury and Property Damage Insurance at Public Expense to Protect Against the Negligence of Drivers of Certain Motor Vehicles; Contractors to Provide Like Insurance.*—Officers, boards, commissions or agencies of the state or of any county, municipality or any other unit of local or state government, authorized to spend public funds, or to direct the expenditure of public funds, may provide at public expense for bodily injury liability and property damage liability insurance against the negligence of the drivers of motor vehicles operated by or for such officers, boards, commissions and agencies in such amount as such officers, boards, commissions and agencies may specify, and any such officer, board, commission or agency having the authority to contract for the use in the service of such officer, board,

16 commission or agency, of any motor vehicle, may require
17 the contractor to provide like insurance at his own ex-
18 pense in such amount as such officer, board, commission
19 or agency may specify.

Sec. 2. *Policy May Contain a Provision Authorizing
2 Action to Be Brought Against Insurance Company Either
3 With or Without Joining Driver as a Party Defendant.—*
4 Any insurance policy obtained in pursuance of the pro-
5 visions of section one of this article may, by agreement
6 between the insurance company issuing the policy and
7 the officer, board, commission or agency applying for
8 such insurance, contain a provision authorizing an action
9 on such policy to be maintained against the insurance com-
10 pany issuing the policy by or in the name of any person
11 sustaining bodily injury or property damage, either with
12 or without joining the driver of such motor vehicle as a
13 party defendant, or in the name of the personal representa-
14 tive of a deceased person, the proximate cause of whose
15 death was the negligence of the driver. Such provision
16 shall be valid and enforceable if set forth in the body

17 of the policy or in a rider attached to the policy as a part
18 thereof.

Sec. 3. *Article Not to Authorize Right of Action Not*
2 *Now Existent.*—This article shall not be so construed as
3 to authorize a right of action against any officer, board,
4 commission or agency where no right of action has hereto-
5 fore existed.

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

Charles C Morris
Chairman Senate Committee

J. Ade Grier
Chairman House Committee

Originated in the House

Takes effect 90 days from passage.

J. Howard Myers
Clerk of the Senate

J. R. Hoff
Clerk of the House of Delegates

Donald M. Ticker
President of the Senate

John E. Amos
Speaker House of Delegates

The within approved this the 12th
day of March, 1945.

Robert Modawor
Governor.



Filed in the office of the Secretary of State
of West Virginia **MAR 12 1945**

Wm. S. O'BRIEN,
Secretary of State