

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967

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ENROLLED

SENATE BILL NO. 30

(By Mr. Moreland)

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PASSED February 24, 1967

In Effect Ninety days from Passage

FILED IN THE OFFICE  
ROBERT D. BAILEY  
SECRETARY OF STATE  
THIS DATE 3-9-67

# 30

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**Senate Bill No. 30**

(By MR. MORELAND)

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[Passed February 24, 1967; in effect ninety days from passage.]

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AN ACT to amend chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article six-a, relating to the cancellation of automobile liability insurance.

*Be it enacted by the Legislature of West Virginia:*

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

**ARTICLE 6A. CANCELLATION OF AUTOMOBILE  
LIABILITY POLICIES.**

**§33-6A-1. Cancellation of automobile liability policy by insurer  
prohibited; exceptions.**

No insurer once having issued or delivered a policy  
2 providing automobile liability insurance in this state in-  
3 suring a private passenger automobile shall, after the  
4 policy has been in effect for sixty days, or in case of re-  
5 newal effective immediately, issue or cause to issue a  
6 notice of cancellation during the term of the policy except  
7 for one or more of the following specified reasons:

8 (a) The named insured fails to discharge when due any  
9 of his obligations in connection with the payment of  
10 premium for such policy or any installment thereof;

11 (b) The policy was obtained through material mis-  
12 representation;

13 (c) The insured violates any of the material terms and  
14 conditions of the policy;

15 (d) The named insured or any other operator, either  
16 resident in the same household or who customarily  
17 operates an automobile insured under such policy:

18           (1) Has had his operator's license suspended or  
19 revoked during the policy period; or

20           (2) Is or becomes subject to epilepsy or heart at-  
21 tacks, and such individual cannot produce a certificate  
22 from a physician testifying to his ability to operate a  
23 motor vehicle.

24       (e) The named insured or any other operator, either  
25 resident in the same household or who customarily oper-  
26 ates an automobile insured under such policy is convicted  
27 of or forfeits bail during the policy period for any of the  
28 following:

29           (1) Any felony or assault involving the use of a  
30 motor vehicle;

31           (2) Negligent homicide, arising out of the opera-  
32 tion of a motor vehicle;

33           (3) Operating a motor vehicle while under the  
34 influence of intoxicating liquor or of any narcotic drug;

35           (4) Leaving the scene of a motor vehicle accident  
36 in which the insured is involved without reporting as re-  
37 quired by law;

38           (5) Theft of a motor vehicle or the unlawful taking  
39 of a motor vehicle;

40           (6) Making false statements in an application for a  
41 motor vehicle operator's license;

42           (7) A third violation, committed within a period  
43 of twelve months, of any moving traffic violation which  
44 constitutes a misdemeanor, whether or not the violations  
45 were repetitions of the same offense or were different  
46 offenses.

**§33-6A-2. Cancellation for other reasons void.**

Any purported cancellation by an insurer of a policy  
2 of automobile liability insurance which has been in effect  
3 for sixty days and which has been renewed shall be void  
4 if such purported cancellation is contrary to section one  
5 of this article.

**§33-6A-3. Insurer to specify reasons for cancellation; immunity  
from liability or suit.**

In every instance in which a policy or contract of auto-  
2 mobile liability insurance which has been in effect sixty  
3 days or which has been renewed is cancelled by the in-  
4 surer, such insurer or its duly authorized agent shall, in

5 the notice of cancellation or at the written request of the  
6 named insured, specify the reason or reasons relied upon  
7 by such insurer for such cancellation. Such reasons shall  
8 be stated in a written notice and shall, if not provided in  
9 the notice of cancellation, be made within thirty days  
10 after such request: *Provided, however,* That there shall  
11 be no liability on the part of, and no cause of action shall  
12 arise against, any insurer or its agents or its authorized  
13 investigative sources for any statements made with prob-  
14 able cause by such insurer, agent or investigative source  
15 in such written notice required to be given pursuant to  
16 this section.

**§33-6A-4. Renewal.**

No insurer shall fail to renew an outstanding automo-  
2 bile liability insurance policy unless such nonrenewal  
3 is preceded by at least forty-five days of advance notice  
4 to the named insured of such insurer's election not to  
5 renew such policy: *Provided,* That subject to this sec-  
6 tion, nothing contained in this article shall be construed  
7 so as to prevent an insurer from refusing to issue an auto-  
8 mobile liability policy upon application to such insurer,

9 nor shall any provision of this article be construed to  
10 prevent an insurer from refusing to renew such a policy  
11 upon expiration, except as to the notice requirements  
12 of this section, and except further as to those applicants  
13 lawfully submitted pursuant to the West Virginia assigned  
14 risk plan.

**§33-6A-5. Right to hearing.**

For the implementation of this article and for advising  
2 all persons of their rights and privileges under this ar-  
3 ticle, the commissioner, by regulation and in accordance  
4 with section thirteen, article two of this chapter, shall  
5 establish a procedure whereby any person whose automo-  
6 bile liability insurance policy has been cancelled or whose  
7 policy has not been renewed without proper notice being  
8 given to such insured, may within forty-five days after the  
9 mailing of notice of cancellation or non-renewal appeal  
10 such cancellation or non-renewal to the commissioner for  
11 hearing and review. The appeal and hearing shall relate  
12 to the ground or grounds upon which the insurer's action  
13 is based. The commissioner after such hearing may affirm  
14 the insurer's cancellation or non-renewal, or may reinstate

15 the policy and if reinstated such policy shall become effec-  
16 tive from the date of cancellation or non-renewal. Either  
17 party may appeal the commissioner's ruling to the circuit  
18 court of the county in which the applicant or the insured  
19 resides in accordance with section fourteen, article two of  
20 this chapter.

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

*William Tompos*  
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Chairman Senate Committee

*Clayton C. Davidson*  
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Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

*Thomas Meyers*  
-----  
Clerk of the Senate

*A. Blankenship*  
-----  
Clerk of the House of Delegates

*Howard Wilson*  
-----  
President of the Senate

*H. Laban White*  
-----  
Speaker House of Delegates

The within approved this the 8  
day of March, 1967.

*Arnell C. Smith*  
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Governor



PRESENTED TO THE  
GOVERNOR

Date 3-4-67

Time 11:10 AM