WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED
SENATE BILL NO. 309

(By Mr. Kaufman)

PASSED March 1967
In Effect Thirty days from Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-16-67
AN ACT to amend article six, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section fourteen-a, relating to provisions in public liability insurance policies issued to charitable associations in this state, and requiring that such policies contain provisions for waiving the defense of charitable immunity.

Be it enacted by the Legislature of West Virginia:

That article six, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section fourteen-a, to read as follows:
ARTICLE 6. THE INSURANCE POLICY.

§33-6-14a. Public liability insurance policies issued to charitable associations to contain provision for waiving of charitable or governmental immunity defense.

No policy or contract of public liability insurance providing coverage for public liability shall be sold, issued, or delivered in this state to any religious or charitable corporation or association, either directly or to the trustees of such associations, or sold, issued or delivered to any governmental unit, agency or subdivision, unless it shall contain a provision or endorsement whereby the company issuing such policy waives, or agrees not to assert as a defense, on behalf of the policyholder or any beneficiary thereof, to any claim covered by the terms of such policy within the policy limits, the immunity from liability of the insured by reason of such insured’s charitable or governmental status, unless such provision or endorsement is rejected in writing by the named insured.
The Joint Committee on Enrolled Bills hereby certifies that
the foregoing bill is correctly enrolled.

William Tempos
Chairman Senate Committee

Clayton C. Dabbs
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

Robert Hay
Clerk of the Senate

Blankenship
Clerk of the House of Delegates

Howard E. Carson
President of the Senate

H. Habers C. Late
Speaker House of Delegates

The within approved this the 16

day of March, 1967.

Herbert C. Smith
Governor
PRESENTED TO THE GOVERNOR

Date 3/11/67

Time 9:45 p.m.