WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1970

ENROLLED

SENATE BILL NO. 5

(By Mr.)

PASSED Feb. 7, 1970

In Effect, Passage

FILED IN THE OFFICE
JOHN D. ROCKEFELLER, IV
SECRETARY OF STATE
THIS DATE 2-12-70
ENROLLED

Senate Bill No. 5
(By Mr. KINSOLVING)

[Passed February 7, 1970; in effect ninety days from passage.]

AN ACT to amend article one-a, chapter fifteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section three-a, relating to the purchase by the adjutant general of public liability insurance, the defense of governmental immunity and the pleading of such defense; and specifying that a jury shall not be advised directly or indirectly of the existence of any such insurance or of the amount thereof.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 1A. ADJUTANT GENERAL.

§15-1A-3a. Purchase of automobile liability insurance.

1 The adjutant general shall purchase, out of any funds appropriated by the Legislature for such purpose, an adequate public liability insurance covering all members of the organized militia while operating any land motor vehicle possessed or maintained by the organized militia:

2 Provided, That no policy or contract of public liability insurance providing coverage for public liability shall be purchased as provided herein, unless it shall contain a provision or endorsement whereby the company issuing such policy waives, or agrees not to assert as a defense to any claim covered by the terms of such policy, the defense of governmental immunity. In any action against the adjutant general, his officers, agents or employees, in which there is in effect liability insurance coverage in an amount equal to or greater than the amount sued for, the attorney for such adjutant general, the attorney for such insurance carrier, or any other attorney who may appear
on behalf of the adjutant general, his agents, officers
or employees shall not set up the defense of governmental
immunity in any such action. Notwithstanding any other
provision of this section, under no circumstances what-
ever shall the jury in any such action be advised directly
or indirectly of the existence of any such insurance or
of the amount thereof.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

William Cooper
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the Senate.

To take effect 90 days from passage.

J. Howard Mghee
Clerk of the Senate

L. A. Blankenship
Clerk of the House of Delegates

Ludmila J. McCraw
President of the Senate

Charles E. Braswell
Speaker House of Delegates

The within approved this the 11th day of February, 1970.

Auch A. Shrame Jr.
Governor
PRESENTED TO THE
GOVERNOR

Date 2/16/70
Time 10:30 A.M.