WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1979

ENROLLED

HOUSE BILL No. 1542

(By Mr. Kanias)

Passed March 10, 1979
In Effect Ninety Days From Passage
AN ACT to amend and reenact section four, article six-a, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to automobile liability insurance policies and the effect of nonrenewal of a policy which has been in effect for two consecutive years or longer.

Be it enacted by the Legislature of West Virginia:

That section four, article six-a, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 6A. CANCELLATION OR NONRENEWAL OF AUTOMOBILE LIABILITY POLICIES.

§33-6A-4. Advance notice of nonrenewal required; assigned risk policies; reasons for nonrenewal.

1 No insurer shall fail to renew an outstanding automobile liability insurance policy unless such nonrenewal is preceded by at least forty-five days of advance notice to the named insured of such insurer's election not to renew such policy:

Provided, That subject to this section, nothing contained in this article shall be construed so as to prevent an insurer from refusing to issue an automobile liability policy upon application to such insurer, nor shall any provision of this article be construed to prevent an insurer from refusing to renew such a policy upon expiration, except as to the notice requirements of this section, and except further as to those applicants law-
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fully submitted pursuant to the West Virginia assigned risk plan: Provided, however, That an insurer may not fail to re-
new an outstanding automobile liability insurance policy
which has been in existence for two consecutive years or long-
er except for the following reasons:

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

(b) The policy was obtained through material misrepre-
sentation;

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

(d) The named insured or any other operator, either resi-
dent in the same household or who customarily operates an
automobile insured under such policy:

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

(2) Is or becomes subject to epilepsy or heart attacks, and
such individual cannot produce a certificate from a physician
testifying to his ability to operate a motor vehicle;

(e) The named insured or any other operator, either resi-
dent in the same household or who customarily operates an
automobile insured under such policy is convicted of or for-
feits bail during the policy period for any of the following:

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

(2) Negligent homicide arising out of the operation of a
motor vehicle;

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

(4) Leaving the scene of a motor vehicle accident in which
the insured is involved without reporting as required by law;

(5) Theft of a motor vehicle or the unlawful taking of a
motor vehicle;
(6) Making false statements in an application for a motor vehicle operator's license;

(7) A second violation, committed within a period of twelve months, of any moving traffic violation which constitutes a misdemeanor, whether or not the violations were repetitions of the same offense or were different offenses;

(f) The named insured or any other operator has had a second at-fault motor vehicle accident within a period of twelve months.

Nonrenewal of such policy for any reason is subject to hearing and review as provided in section five of this article. Cost of the hearing shall be assessed against the losing party but shall not exceed seventy-five dollars.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
Chairman Senate Committee

Clarence L. Schuster  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

K. D. L.  
Clerk of the Senate

C. W. Blankenship  
Clerk of the House of Delegates

W. J. Bothum  
President of the Senate

M. J. Byrd  
Speaker House of Delegates

The within ______ approved ______ this the ______ day of ______, 1979.

John D. Bullock  
Governor