

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-24-80

Time 2:15 p.m.

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1980



ENROLLED

HOUSE BILL No. 1391

(By Mr. Tompkins + Mr. Shiflet)



Passed March 8, 1980

In Effect Ninety Days From Passage



No: 1391

ENROLLED

H. B. 1391

(By MR. TOMPKINS and MR. SHIFLET)

[Passed March 8, 1980; 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 advance notice of nonrenewal of an automobile liability or physical damage policy required; assigned risk policies; reasons for nonrenewal; renewal within ninety days of certain policies.

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; hearing and review after nonrenewal.

1 No insurer shall fail to renew an outstanding automobile
2 liability or physical damage insurance policy unless such
3 nonrenewal is preceded by at least forty-five days of advance
4 notice to the named insured of such insurer's election not to
5 renew such policy: *Provided*, That subject to this section,
6 nothing contained in this article shall be construed so as to
7 prevent an insurer from refusing to issue an automobile
8 liability or physical damage insurance policy upon application
9 to such insurer, nor shall any provision of this article be
10 construed to prevent an insurer from refusing to renew such

11 a policy upon expiration, except as to the notice requirements
12 of this section, and except further as to those applicants law-
13 fully submitted pursuant to the West Virginia assigned risk
14 plan: *Provided, however,* That an insurer may not fail to
15 renew an outstanding automobile liability or physical damage
16 insurance policy which has been in existence for two con-
17 secutive years or longer except for the following reasons:

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

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

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

25 (d) The name insured or any other operator, either resi-
26 dent in the same household or who customarily operates an
27 automobile insured under such policy;

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

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

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

37 (1) Any felony or assault involving the use of a motor
38 vehicle:

39 (2) Negligent homicide arising out of the operation of a
40 motor vehicle:

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

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

45 (5) Theft of a motor vehicle or the unlawful taking of a
46 motor vehicle;

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

49 (7) A second violation, committed within a period of
50 twelve months, of any moving traffic violation which con-
51 stitutes a misdemeanor, whether or not the violations were
52 repetitions of the same offense or were different offenses;

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

56 Nonrenewal of such policy for any reason is subject to
57 hearing and review as provided in section five of this article.
58 Cost of the hearing shall be assessed against the losing party
59 but shall not exceed seventy-five dollars.

60 Notwithstanding the provisions of subsection (a) of this
61 section, the insurer shall renew any automobile liability or
62 physical damage insurance policy that has not been renewed
63 due to the insured's failure to pay the renewal premium when
64 due, if none of the other grounds for nonrenewal as set forth
65 in subsections (b) through (f) of this section exist and the
66 insured makes application for renewal within ninety days of
67 the original expiration date of the policy. If a policy be re-
68 newed as provided in this paragraph, the coverage afforded
69 shall not be retroactive to the original expiration date of the
70 policy, but shall resume upon the renewal date at the current
71 premium levels offered by the company.

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

James L. Davis
Chairman Senate Committee

Lawrence T. Johnston Jr
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Paul C. Willis
Clerk of the Senate

W. Blankenship
Clerk of the House of Delegates

W. T. Brantley Jr
President of the Senate

Clide M. Lee, Jr
Speaker House of Delegates

The within *is approved* this the *24*
day of *March*, 1980.

Paul R. Ryan
Governor

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OFFICE OF THE GOVERNOR

STATE

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