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
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 liability or physical damage 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 or physical damage insurance 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 lawfully submitted pursuant to the West Virginia assigned risk plan: Provided, however, That an insurer may not fail to renew an outstanding automobile liability or physical damage insurance policy which has been in existence for two consecutive years or longer 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 misrepresentation;

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

(d) The name insured or any other operator, either resident 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 resident in the same household or who customarily operates an automobile insured under such policy is convicted of or forfeits 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 accidents 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.

Notwithstanding the provisions of subsection (a) of this section, the insurer shall renew any automobile liability or physical damage insurance policy that has not been renewed due to the insured's failure to pay the renewal premium when due, if none of the other grounds for nonrenewal as set forth in subsections (b) through (f) of this section exist and the insured makes application for renewal within ninety days of the original expiration date of the policy. If a policy be renewed as provided in this paragraph, the coverage afforded shall not be retroactive to the original expiration date of the policy, but shall resume upon the renewal date at the current premium levels offered by the company.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James E. Davis  
Chairman Senate Committee

Laurence E. Chestnut  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Joe C. Wells  
Clerk of the Senate

W. B. Blanderson  
Clerk of the House of Delegates

W. T. Bagley  
President of the Senate

Clede M. Wise  
Speaker House of Delegates

The within ___________ this the ___________ day of ______, 1980.

Governor