

APPROVED AND SIGNED BY THE GOVERNOR

Date 3-31-82

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1982

## ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 251

(By Mr. Huck)

PASSED March 12, 1982

In Effect ninety days from Passage

**ENROLLED**  
COMMITTEE SUBSTITUTE

FOR

**Senate Bill No. 251**

(By MR. HECK, *original sponsor*)

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[Passed March 12, 1982; in effect ninety days from passage.]

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AN ACT to amend and reenact section ten, article one, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to including mine subsidence insurance within the definition of kinds of insurance; and excluding professional bondsmen and certain individuals from the definitions of surety insurance.

*Be it enacted by the Legislature of West Virginia:*

That section ten, article one, 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 1. DEFINITIONS.**

**§33-1-10. Kinds of insurance defined.**

- 1 The following definitions of kinds of insurance are not
- 2 mutually exclusive and, if reasonably adaptable thereto,
- 3 a particular coverage may be included under one or more
- 4 of such definitions:
- 5 (a) Life insurance—Life insurance is insurance on
- 6 human lives including endowment benefits, additional
- 7 benefits in the event of death or dismemberment by acci-
- 8 dent or accidental means, additional benefits for disa-
- 9 bility and annuities.
- 10 (b) Accident and sickness—Accident and sickness in-
- 11 surance is insurance against bodily injury, disability or

12 death by accident or accidental means, or the expense  
13 thereof, or against disability or expense resulting from  
14 sickness, and insurance relating thereto.

15 (c) Fire—Fire insurance is insurance on real or per-  
16 sonal property of every kind and interest therein, against  
17 loss or damage from any or all hazard or cause, and  
18 against loss consequential upon such loss or damage, other  
19 than noncontractual liability for any such loss or damage.  
20 Fire insurance shall also include miscellaneous insurance  
21 as defined in paragraph (12), subdivision (e) of this  
22 section.

23 (d) Marine—Marine insurance is insurance:

24 (1) Against any and all kinds of loss or damage to  
25 vessels, craft, aircraft, cars, automobiles and vehicles of  
26 every kind, as well as all goods, freight, cargoes, mer-  
27 chandise, effects, disbursements, profits, moneys, bullion,  
28 precious stones, securities, choses in action, evidences of  
29 debt, valuable papers, bottomry and respondentia interests  
30 and all other kinds of property and interests therein, in  
31 respect to, appertaining to or in connection with any and  
32 all risks or perils of navigation, transit or transportation,  
33 including war risks, on or under any seas or other waters,  
34 on land (above or below ground), or in the air, or while  
35 being assembled, packed, crated, baled, compressed or  
36 similarly prepared for shipment or while awaiting the  
37 same or during any delays, storage, transshipment or  
38 reshipment incident thereto, including marine builders'  
39 risks and all personal property floater risks;

40 (2) Against any and all kinds of loss or damage to  
41 person or to property in connection with or appertaining  
42 to a marine, inland marine, transit or transportation in-  
43 surance, including liability for loss of or damage to either,  
44 arising out of or in connection with the construction,  
45 repair, operation, maintenance or use of the subject mat-  
46 ter of such insurance (but not including life insurance or  
47 surety bonds nor insurance against loss by reason of  
48 bodily injury to the person arising out of the ownership,  
49 maintenance or use of automobiles);

50 (3) Against any and all kinds of loss or damage to  
51 precious stones, jewels, jewelry, gold, silver and other

52 precious metals, whether used in business or trade or  
53 otherwise and whether the same be in course of trans-  
54 portation or otherwise;

55 (4) Against any and all kinds of loss or damage to  
56 bridges, tunnels and other instrumentalities of transpor-  
57 tation and communication (excluding buildings, their  
58 furniture and furnishings, fixed contents and supplies held  
59 in storage) unless fire, windstorm, sprinkler leakage, hail,  
60 explosion, earthquake, riot or civil commotion or any or  
61 all of them are the only hazards to be covered;

62 (5) Against any and all kinds of loss or damage to  
63 piers, wharves, docks and ships, excluding the risks of  
64 fire, windstorm, sprinkler leakage, hail, explosion, earth-  
65 quake, riot and civil commotion and each of them;

66 (6) Against any and all kinds of loss or damage to  
67 other aids to navigation and transportation, including dry  
68 docks and marine railways, dams and appurtenant facili-  
69 ties for control of waterways;

70 (7) Marine protection and indemnity insurance, which  
71 is insurance against, or against legal liability of the in-  
72 sured for, loss, damage or expense arising out of, or inci-  
73 dent to, the ownership, operation, chartering, mainten-  
74 ance, use, repair or construction of any vessel, craft or  
75 instrumentality in use in ocean or inland waterways,  
76 including liability of the insured for personal injury,  
77 illness or death or for loss of or damage to the property of  
78 another person.

79 (e) Casualty—Casualty insurance includes:

80 (1) Vehicle insurance, which is insurance against loss  
81 of or damage to any land vehicle or aircraft or any draft  
82 or riding animal or to property while contained therein or  
83 thereon or being loaded therein or therefrom, from any  
84 hazard or cause, and against any loss, liability or expense  
85 resulting from or incident to ownership, maintenance or  
86 use of any such vehicle, aircraft or animal; together with  
87 insurance against accidental death or accidental injury to  
88 individuals, including the named insured, while in, enter-  
89 ing, alighting from, adjusting, repairing or cranking, or  
90 caused by being struck by any vehicle, aircraft or draft  
91 or riding animal, if such insurance is issued as a part of

92 insurance on the vehicle, aircraft or draft or riding ani-  
93 mal.

94 (2) Liability insurance, which is insurance against  
95 legal liability for the death, injury or disability of any  
96 human being, or for damage to property; and provisions  
97 for medical, hospital, surgical, disability benefits to in-  
98 jured persons and funeral and death benefits to depend-  
99 ents, beneficiaries or personal representatives of persons  
100 killed, irrespective of legal liability of the insured, when  
101 issued as an incidental coverage with or supplemental to  
102 liability insurance.

103 (3) Burglary and theft insurance, which is insurance  
104 against loss or damage by burglary, theft, larceny, rob-  
105 bery, forgery, fraud, vandalism, malicious mischief, con-  
106 fiscation, or wrongful conversion, disposal or concealment,  
107 or from any attempt at any of the foregoing, including  
108 supplemental coverages for medical, hospital, surgical and  
109 funeral benefits sustained by the named insured or other  
110 person as a result of bodily injury during the commission  
111 of a burglary, robbery or theft by another; also insurance  
112 against loss of or damage to moneys, coins, bullion, securi-  
113 ties, notes, drafts, acceptances, or any other valuable pa-  
114 pers and documents, resulting from any cause.

115 (4) Personal property floater insurance, which is in-  
116 surance upon personal effects against loss or damage from  
117 any cause.

118 (5) Glass insurance, which is insurance against loss or  
119 damage to glass, including its lettering, ornamentation,  
120 and fittings.

121 (6) Boiler and machinery insurance, which is insurance  
122 against any liability and loss or damage to property or  
123 interest resulting from accidents to or explosion of boil-  
124 ers, pipes, pressure containers, machinery or apparatus,  
125 and to make inspection of and issue certificates of inspec-  
126 tion upon boilers, machinery and apparatus of any kind,  
127 whether or not insured.

128 (7) Leakage and fire extinguishing equipment insur-  
129 ance, which is insurance against loss or damage to any  
130 property or interest caused by the breakage or leakage of  
131 sprinklers, hoses, pumps and other fire extinguishing

132 equipment or apparatus, water mains, pipes and contain-  
133 ers, or by water entering through leaks or openings in  
134 buildings, and insurance against loss or damage to such  
135 sprinklers, hoses, pumps and other fire extinguishing  
136 equipment or apparatus.

137 (8) Credit insurance, which is insurance against loss or  
138 damage resulting from failure of debtors to pay their  
139 obligations to the insured. Credit insurance shall include  
140 loss of income insurance which is insurance against the  
141 failure of a debtor to pay his or her monthly obligation  
142 due to involuntary loss of employment. For the purpose  
143 of this definition, involuntary loss of employment means  
144 unemployment which has occurred as a result of, but not  
145 limited to, individual or mass layoffs, general strikes or  
146 lockouts.

147 (9) Malpractice insurance, which is insurance against  
148 legal liability of the insured, and against loss, damage or  
149 expense incidental to a claim of such liability, and in-  
150 cluding medical, hospital, surgical and funeral benefits  
151 to injured persons, irrespective of legal liability of the  
152 insured arising out of the death, injury or disablement of  
153 any person, or arising out of damage to the economic  
154 interest of any person, as the result of negligence in ren-  
155 dering expert, fiduciary or professional service.

156 (10) Entertainment insurance, which is insurance  
157 indemnifying the producer of any motion picture, tele-  
158 vision, radio, theatrical, sport, spectacle, entertainment or  
159 similar production, event or exhibition against loss from  
160 interruption, postponement or cancellation thereof due to  
161 death, accidental injury or sickness of performers, par-  
162 ticipants, directors or other principals.

163 (11) Mine subsidence insurance, as provided for in  
164 article thirty of this chapter; and

165 (12) Miscellaneous insurance, which is insurance  
166 against any other kind of loss, damage or liability prop-  
167 erly a subject of insurance and not within any other kind  
168 of insurance as defined in this chapter, if such insurance  
169 is not disapproved by the commissioner as being contrary  
170 to law or public policy.

171 (f) Surety—Surety insurance includes:

172 (1) Fidelity insurance, which is insurance guaranteeing  
173 the fidelity of persons holding positions of public or  
174 private trust.

175 (2) Insurance guaranteeing the performance of con-  
176 tracts, other than insurance policies, and guaranteeing  
177 and executing bonds, undertakings, and contracts of  
178 suretyship: *Provided*, That surety insurance does not in-  
179 clude the guaranteeing and executing of bonds by pro-  
180 fessional bondsmen in criminal cases, or by individuals  
181 not in the business of becoming a surety for compensa-  
182 tion upon bonds.

183 (3) Insurance indemnifying banks, bankers, brokers,  
184 financial or moneyed corporations or associations against  
185 loss, resulting from any cause, of bills of exchange, notes,  
186 bonds, securities, evidences of debt, deeds, mortgages,  
187 warehouse receipts or other valuable papers, documents,  
188 money, precious metals and articles made therefrom,  
189 jewelry, watches, necklaces, bracelets, gems, precious and  
190 semiprecious stones, including any loss while they are  
191 being transported in armored motor vehicles or by  
192 messenger, but not including any other risks of transpor-  
193 tation or navigation, and also insurance against loss or  
194 damage to such an insured's premises or to his furnish-  
195 ings, fixtures, equipment, safes and vaults therein, caused  
196 by burglary, robbery, theft, vandalism or malicious mis-  
197 chief, or any attempt to commit such crimes.

198 (4) Title insurance, which is insurance of owners of  
199 property or others having an interest therein, or liens or  
200 encumbrances thereon, against loss by encumbrance,  
201 defective title, invalidity or adverse claim to title.

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

R. P. Bayler  
Chairman Senate Committee

Tony E. Whitlow  
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Todd C. Vicks  
Clerk of the Senate

VA Blankenship  
Clerk of the House of Delegates

Warner R. McInnis  
President of the Senate

Walter H. Lee, Jr.  
Speaker House of Delegates

The within is approved this the 31

day of March, 1982.

James B. Rayburn  
Governor



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