

No. 1861

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1985

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

1005 MAY - 3 AM 10:42

RECEIVED

ENROLLED

HOUSE BILL No. 1861

(By Del Riffe)

Passed April 13, 1985

In Effect 90 Days From Passage



ENROLLED
H. B. 1861

(By DELEGATE RIFFLE)

[Passed April 13, 1985; in effect ninety days from passage.]

AN ACT to amend and reenact section fourteen-a, article six, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to waiver of charitable or governmental immunity in public liability insurance policies issued to charitable associations and governmental units.

Be it enacted by the Legislature of West Virginia:

That section fourteen-a, article six, 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 6. THE INSURANCE POLICY.

§33-6-14a. Public liability insurance policies issued to charitable associations and governmental units to contain provision for waiving of immunity defense.

1 Any policy or contract of public liability insurance providing
2 coverage for public liability sold, issued or delivered in this
3 state to any religious or charitable corporation or association,
4 either directly or to the trustees of such associations, or sold,
5 issued or delivered to any governmental unit, agency or
6 subdivision, shall be read so as to contain a provision or
7 endorsement whereby the company issuing such policy waives,
8 or agrees not to assert as a defense, on behalf of the
9 policyholder or any beneficiary thereof, to any claim covered
10 by the terms of such policy within the policy limits, the

11 immunity from liability of the insured by reason of such
12 insured's charitable or governmental status, unless such
13 provision or endorsement is rejected in writing by the named
14 insured.

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

Harrell E. Holmes

Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Joseph C. Wells

Clerk of the Senate

Donald L. Kegg
Clerk of the House of Delegates

Don Torkmin

President of the Senate

Joseph P. Allright
Speaker of the House of Delegates

The within *appeared* this the *2nd* day of *May*, 1985.

Arundel M. Parson, Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 4/25/85

Time 2:42 p.m.