WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1986

ENROLLED

SENATE BILL NO. 336

(By Senator Tucker)

PASSED March 3, 1986
In Effect 90 days from Passage
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 kinds of insurance; accident and sickness to include loss of income 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 mutually exclusive and, if reasonably adaptable thereto, a particular coverage may be included under one or more of such definitions:

5 (a) Life insurance—Life insurance is insurance on human lives including endowment benefits, additional benefits in the event of death or dismemberment by accident or accidental means, additional benefits for disability and annuities.

10 (b) Accident and sickness—Accident and sickness insurance is insurance against bodily injury, disability or death by accident or accidental means, or the expense
thereof, or against disability or expense resulting from
sickness, and insurance relating thereto. Group credit
accident and health insurance may also include loss of
income insurance which is insurance against the failure
of a debtor to pay his or her monthly obligation due to
involuntary loss of employment. For the purposes of this
definition, involuntary loss of employment means the
debtor loses employment income (salary or wages) as a
result of unemployment caused by individual or mass
layoff, general strikes, labor disputes, lockout or termina-
tion by employer for other than willful or criminal mis-
conduct. Any or all of the above mentioned perils may be
included in an insurance policy, at the discretion of the
policyholder.

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

(d) Marine—Marine insurance is insurance:

(1) Against any and all kinds of loss or damage to
vessels, craft, aircraft, cars, automobiles and vehicles of
every kind, as well as all goods, freight, cargoes, merchan-
dise, effects, disbursements, profits, moneys, bullion, prec-
ious stones, securities, choses in action, evidences of debt,
valuable papers, bottomry and respondentia interests and
all other kinds of property and interests therein, in
respect to, appertaining to or in connection with any and
all risks or perils of navigation, transit or transportation,
including war risks, on or under any seas or other waters,
on land (above or below ground), or in the air, or while
being assembled, packed, crated, baled, compressed or
similarly prepared for shipment or while awaiting the
same or during any delays, storage, transshipment, or
reshipment incident thereto, including marine builders’
risks and all personal property floater risks;

(2) Against any and all kinds of loss or damage to per-
son or to property in connection with or appertaining to
a marine, inland marine, transit or transportation in-
surance, including liability for loss of or damage to either,
aris ng out of or in connection with the construction,
repair, operation, maintenance or use of the subject mat-
t er of such insurance (but not including life insurance or
surety bonds nor insurance against loss by reason of
bodily injury to the person arising out of the ownership,
maintenance or use of automobiles);

(3) Against any and all kinds of loss or damage to
precious stones, jewels, jewelry, gold, silver and other
precious metals, whether used in business or trade or
otherwise and whether the same be in course of trans-
portation or otherwise;

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

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

(6) Against any and all kinds of loss or damage to
other aids to navigation and transportation, including
dry docks and marine railways, dams and appurtenant
facilities for control of waterways; and

(7) Marine protection and indemnity insurance, which
is insurance against, or against legal liability of the in-
sured for, loss, damage or expense arising out of, or inci-
dent to, the ownership, operation, chartering, mainte-
nance, use, repair or construction of any vessel, craft or
instrumentality in use in ocean or inland waterways,
including liability of the insured for personal injury, ill-
ness or death or for loss of or damage to the property of
another person.

(e) Casualty—Casualty insurance includes:
(1) Vehicle insurance, which is insurance against loss of or damage to any land vehicle or aircraft or any draft or riding animal or to property while contained therein or thereon or being loaded therein or therefrom, from any hazard or cause, and against any loss, liability or expense resulting from or incident to ownership, maintenance or use of any such vehicle, aircraft or animal; together with insurance against accidental death or accidental injury to individuals, including the named insured, while in, entering, alighting from, adjusting, repairing or cranking, or caused by being struck by any vehicle, aircraft or draft or riding animal, if such insurance is issued as a part of insurance on the vehicle, aircraft or draft or riding animal;

(2) Liability insurance, which is insurance against legal liability for the death, injury or disability of any human being, or for damage to property; and provisions for medical, hospital, surgical, disability benefits to injured persons and funeral and death benefits to dependents, beneficiaries or personal representatives of persons killed, irrespective of legal liability of the insured, when issued as an incidental coverage with or supplemental to liability insurance;

(3) Burglary and theft insurance, which is insurance against loss or damage by burglary, theft, larceny, robbery, forgery, fraud, vandalism, malicious mischief, confiscation, or wrongful conversion, disposal or concealment, or from any attempt at any of the foregoing, including supplemental coverages for medical, hospital, surgical and funeral benefits sustained by the named insured or other person as a result of bodily injury during the commission of a burglary, robbery or theft by another; also insurance against loss of or damage to moneys, coins, bullion, securities, notes, drafts, acceptances, or any other valuable papers and documents, resulting from any cause;

(4) Personal property floater insurance, which is insurance upon personal effects against loss or damage from any cause;

(5) Glass insurance, which is insurance against loss or damage to glass, including its lettering, ornamentation, and fittings;
(6) Boiler and machinery insurance, which is insurance against any liability and loss or damage to property or interest resulting from accidents to or explosion of boilers, pipes, pressure containers, machinery or apparatus, and to make inspection of and issue certificates of inspection upon boilers, machinery and apparatus of any kind, whether or not insured;

(7) Leakage and fire extinguishing equipment insurance, which is insurance against loss or damage to any property or interest caused by the breakage or leakage of sprinklers, hoses, pumps and other fire extinguishing equipment or apparatus, water mains, pipes and containers, or by water entering through leaks or openings in buildings, and insurance against loss or damage to such sprinklers, hoses, pumps and other fire extinguishing equipment or apparatus;

(8) Credit insurance, which is insurance against loss or damage resulting from failure of debtors to pay their obligations to the insured. Credit insurance shall include loss of income insurance which is insurance against the failure of a debtor to pay his or her monthly obligation due to involuntary loss of employment. For the purpose of this definition, involuntary loss of employment means the debtor loses employment income (salary or wages) as a result of unemployment caused by individual or mass layoff, general strikes, labor disputes, lockout or termination by employer for other than willful or criminal misconduct; any, or all of the above mentioned perils may be included in an insurance policy, at the discretion of the policyholder;

(9) Malpractice insurance, which is insurance against legal liability of the insured, and against loss, damage or expense incidental to a claim of such liability, and including medical, hospital, surgical and funeral benefits to injured persons, irrespective of legal liability of the insured arising out of the death, injury or disablement of any person, or arising out of damage to the economic interest of any person, as the result of negligence in rendering expert, fiduciary or professional service;

(10) Entertainment insurance, which is insurance in-
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demnifying the producer of any motion picture, television, radio, theatrical, sport, spectacle, entertainment or similar production, event or exhibition against loss from interruption, postponement or cancellation thereof due to death, accidental injury or sickness of performers, participants, directors or other principals;

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

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

(f) Surety—Surety insurance includes:

(1) Fidelity insurance, which is insurance guaranteeing the fidelity of persons holding positions of public or private trust;

(2) Insurance guaranteeing the performance of contracts, other than insurance policies, and guaranteeing and executing bonds, undertakings, and contracts of suretyship: Provided, That surety insurance does not include the guaranteeing and executing of bonds by professional bondsmen in criminal cases, or by individuals not in the business of becoming a surety for compensation upon bonds;

(3) Insurance indemnifying banks, bankers, brokers, financial or moneyed corporations or associations against loss, resulting from any cause, of bills of exchange, notes, bonds, securities, evidences of debt, deeds, mortgages, warehouse receipts or other valuable papers, documents, money, precious metals and articles made therefrom, jewelry, watches, necklaces, bracelets, gems, precious and semiprecious stones, including any loss while they are being transported in armored motor vehicles or by messenger, but not including any other risks of transportation or navigation, and also insurance against loss or damage to such an insured's premises or to his furnishings, fixtures, equipment, safes and vaults therein, caused by
burglary, robbery, theft, vandalism or malicious mischief, or any attempt to commit such crimes; and

(4) Title insurance, which is insurance of owners of property or others having an interest therein, or liens or encumbrances thereon, against loss by encumbrance, defective title, invalidity or adverse claim to title.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 11th day of March, 1986.

Governor