

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986



ENROLLED

SENATE BILL NO. 336

(By Senator Tucker)



PASSED March 3, 1986

In Effect 90 days from Passage



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Senate Bill No. 336

(BY SENATOR TUCKER)

[Passed March 3, 1986; in effect ninety 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
- 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
- 8 accident or accidental means, additional benefits for dis-
- 9 ability and annuities.
- 10 (b) Accident and sickness—Accident and sickness
- 11 insurance 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. Group credit
15 accident and health insurance may also include loss of
16 income insurance which is insurance against the failure
17 of a debtor to pay his or her monthly obligation due to
18 involuntary loss of employment. For the purposes of this
19 definition, involuntary loss of employment means the
20 debtor loses employment income (salary or wages) as a
21 result of unemployment caused by individual or mass
22 layoff, general strikes, labor disputes, lockout or termina-
23 tion by employer for other than willful or criminal mis-
24 conduct. Any or all of the above mentioned perils may be
25 included in an insurance policy, at the discretion of the
26 policyholder.

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

35 (d) Marine—Marine insurance is insurance:

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

52 (2) Against any and all kinds of loss or damage to per-

53 son or to property in connection with or appertaining to
54 a marine, inland marine, transit or transportation in-
55 surance, including liability for loss of or damage to either,
56 arising out of or in connection with the construction,
57 repair, operation, maintenance or use of the subject mat-
58 ter of such insurance (but not including life insurance or
59 surety bonds nor insurance against loss by reason of
60 bodily injury to the person arising out of the ownership,
61 maintenance or use of automobiles);

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

67 (4) Against any and all kinds of loss or damage to
68 bridges, tunnels and other instrumentalities of transporta-
69 tion and communication (excluding buildings, their fur-
70 niture and furnishings, fixed contents and supplies held
71 in storage) unless fire, windstorm, sprinkler leakage, hail,
72 explosion, earthquake, riot or civil commotion or any or
73 all of them are the only hazards to be covered;

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

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

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

91 (e) Casualty—Casualty insurance includes:

92 (1) Vehicle insurance, which is insurance against loss
93 of or damage to any land vehicle or aircraft or any draft
94 or riding animal or to property while contained therein or
95 thereon or being loaded therein or therefrom, from any
96 hazard or cause, and against any loss, liability or expense
97 resulting from or incident to ownership, maintenance or
98 use of any such vehicle, aircraft or animal; together with
99 insurance against accidental death or accidental injury to
100 individuals, including the named insured, while in, en-
101 tering, alighting from, adjusting, repairing or cranking, or
102 caused by being struck by any vehicle, aircraft or draft
103 or riding animal, if such insurance is issued as a part of in-
104 surance on the vehicle, aircraft or draft or riding animal;

105 (2) Liability insurance, which is insurance against
106 legal liability for the death, injury or disability of any
107 human being, or for damage to property; and provisions
108 for medical, hospital, surgical, disability benefits to in-
109 jured persons and funeral and death benefits to depend-
110 ents, beneficiaries or personal representatives of persons
111 killed, irrespective of legal liability of the insured, when
112 issued as an incidental coverage with or supplemental to
113 liability insurance;

114 (3) Burglary and theft insurance, which is insurance
115 against loss or damage by burglary, theft, larceny, rob-
116 bery, forgery, fraud, vandalism, malicious mischief, con-
117 fiscation, or wrongful conversion, disposal or concealment,
118 or from any attempt at any of the foregoing, including
119 supplemental coverages for medical, hospital, surgical and
120 funeral benefits sustained by the named insured or other
121 person as a result of bodily injury during the commission
122 of a burglary, robbery or theft by another; also insurance
123 against loss of or damage to moneys, coins, bullion, se-
124 curities, notes, drafts, acceptances, or any other valuable
125 papers and documents, resulting from any cause;

126 (4) Personal property floater insurance, which is in-
127 surance upon personal effects against loss or damage from
128 any cause;

129 (5) Glass insurance, which is insurance against loss or
130 damage to glass, including its lettering, ornamentation,
131 and fittings;

132 (6) Boiler and machinery insurance, which is insurance
133 against any liability and loss or damage to property or
134 interest resulting from accidents to or explosion of boilers,
135 pipes, pressure containers, machinery or apparatus, and
136 to make inspection of and issue certificates of inspection
137 upon boilers, machinery and apparatus of any kind,
138 whether or not insured;

139 (7) Leakage and fire extinguishing equipment insur-
140 ance, which is insurance against loss or damage to any
141 property or interest caused by the breakage or leakage of
142 sprinklers, hoses, pumps and other fire extinguishing
143 equipment or apparatus, water mains, pipes and con-
144 tainers, or by water entering through leaks or openings in
145 buildings, and insurance against loss or damage to such
146 sprinklers, hoses, pumps and other fire extinguishing
147 equipment or apparatus;

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

162 (9) Malpractice insurance, which is insurance against
163 legal liability of the insured, and against loss, damage or
164 expense incidental to a claim of such liability, and includ-
165 ing medical, hospital, surgical and funeral benefits to
166 injured persons, irrespective of legal liability of the in-
167 sured arising out of the death, injury or disablement of
168 any person, or arising out of damage to the economic
169 interest of any person, as the result of negligence in ren-
170 dering expert, fiduciary or professional service;

171 (10) Entertainment insurance, which is insurance in-

172 demnifying the producer of any motion picture, televi-
173 sion, radio, theatrical, sport, spectacle, entertainment or
174 similar production, event or exhibition against loss from
175 interruption, postponement or cancellation thereof due to
176 death, accidental injury or sickness of performers, par-
177 ticipants, directors or other principals;

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

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

186 (f) Surety—Surety insurance includes:

187 (1) Fidelity insurance, which is insurance guaranteeing
188 the fidelity of persons holding positions of public or pri-
189 vate trust;

190 (2) Insurance guaranteeing the performance of con-
191 tracts, other than insurance policies, and guaranteeing
192 and executing bonds, undertakings, and contracts of
193 suretyship: *Provided*, That surety insurance does not in-
194 clude the guaranteeing and executing of bonds by pro-
195 fessional bondsmen in criminal cases, or by individuals
196 not in the business of becoming a surety for compensation
197 upon bonds;

198 (3) Insurance indemnifying banks, bankers, brokers,
199 financial or moneyed corporations or associations against
200 loss, resulting from any cause, of bills of exchange, notes,
201 bonds, securities, evidences of debt, deeds, mortgages,
202 warehouse receipts or other valuable papers, documents,
203 money, precious metals and articles made therefrom,
204 jewelry, watches, necklaces, bracelets, gems, precious and
205 semiprecious stones, including any loss while they are
206 being transported in armored motor vehicles or by mes-
207 senger, but not including any other risks of transportation
208 or navigation, and also insurance against loss or damage
209 to such an insured's premises or to his furnishings, fix-
210 tures, equipment, safes and vaults therein, caused by

211 burglary, robbery, theft, vandalism or malicious mischief,
212 or any attempt to commit such crimes; and
213 (4) Title insurance, which is insurance of owners of
214 property or others having an interest therein, or liens or
215 encumbrances thereon, against loss by encumbrance, de-
216 fective title, invalidity or adverse claim to title.

James M. [unclear]
[unclear]

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

Bruce O. Johnson
Chairman Senate Committee

Floyd Fuller
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Todd C. Nollen
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Sam Tankership
President of the Senate

Joseph P. Allright
Speaker House of Delegates

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

Reva. Prange
Governor

PRESENTED TO THE

GOVERNOR

Date 3/5/86

Time 5:24 p.m.

FILED

1986 MAR 13 AM 11:02

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE

3/13/86