

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1990



# ENROLLED

Com. Sub. for  
HOUSE BILL No. 4384

(By ~~the~~ Delegates Sherman & Flanigan)



Passed March 10, 1990

In Effect 90 Days from Passage

**ENROLLED**

COMMITTEE SUBSTITUTE

FOR

**H. B. 4384**

(By DELEGATES SUSMAN AND FLANIGAN)

[Passed March 10, 1990; in effect ninety days from passage.]

AN ACT to amend and reenact section eighteen, article twenty, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to motor vehicle insurance and providing a premium reduction for drivers fifty-five years of age or older who have successfully completed an approved accident prevention course.

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

That section eighteen, article twenty, 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 20. RATES AND RATING ORGANIZATIONS.**

**§33-20-18. Reduction of premium charges for persons fifty-five years of age or older.**

- 1 (a) Any rates, rating schedules or rating manuals for
- 2 the liability, personal injury protection and collision
- 3 coverages of a motor vehicle insurance policy submitted
- 4 to or filed with the insurance commissioner shall
- 5 provide for an appropriate reduction in premium
- 6 charges as to such coverages when the principal
- 7 operator and spouse on the covered vehicle is an insured

8 who is fifty-five years of age or older and who has  
9 successfully completed a motor vehicle accident preven-  
10 tion course approved by the division of motor vehicles.  
11 Such reductions of premium rates shall be made in  
12 compliance with the provisions of subsections (a) and (b),  
13 section three of this article. Any discount used by an  
14 insurer shall be presumed appropriate unless credible  
15 data demonstrates otherwise.

16 (b) The premium reduction required by this section  
17 shall be effective for an insured and spouse for a three-  
18 year period after successful completion of the approved  
19 course, except that the insurer may require, as a  
20 condition of maintaining the discount, that the insured  
21 and spouse:

22 (1) Not be involved in an accident for which the  
23 insured or spouse is at fault;

24 (2) Not be convicted, plead guilty or nolo contendere  
25 to a moving traffic violation, or to a traffic related  
26 alcohol or narcotics offense; and

27 (3) Have maintained a driving record free of viola-  
28 tions and liability for accidents for a three-year period  
29 prior to course completion.

30 (c) Upon successfully completing the approved course,  
31 each person shall be issued a certificate by the organ-  
32 ization offering the course which shall be used to qualify  
33 for the premium discount required by this section.

34 (d) This section shall not apply in the event the  
35 approved course is taken as punishment specified by a  
36 court or other governmental entity resulting from a  
37 moving traffic violation.

38 (e) An insured shall only be entitled to a discount  
39 equal to the greater of the premium reduction required  
40 by this section or any discretionary discount offered by  
41 insurers to persons fifty-five years of age or older who  
42 have not completed the approved motor vehicle accident  
43 course and specifically shall not be entitled to more than  
44 one discount.

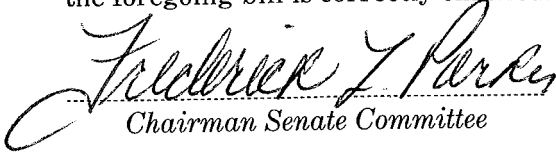
45 (f) Each participant shall take an approved course

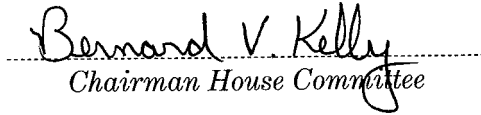
3 [Enr. Com. Sub. for H. B. 4384

46 every three years to continue to be eligible for the  
47 reduction in premiums.

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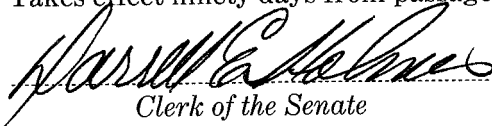
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
Chairman Senate Committee

  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

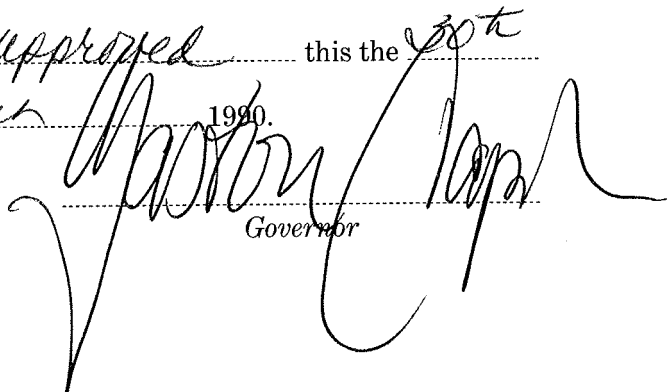
  
Clerk of the Senate

  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

The within is approved this the 30<sup>th</sup>  
day of March 1990.

  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/27/90

Time 4:50 pm

RECEIVED  
1990 MAR 30 PM 5:08  
OFFICE OF THE GOVERNOR  
PROPRIETARY