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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

# WEST VIRGINIA LEGISLATURE

SECOND REGULAR SESSION, 1992

— ● —

# ENROLLED

*Com. Sub. for*

HOUSE BILL No. 4182

(By Delegates *Morgan + Howmose*)

— ● —

Passed Feb. 25 1992

In Effect ninety days from Passage

ENROLLED  
COMMITTEE SUBSTITUTE  
FOR  
**H. B. 4182**  
(By DELEGATES MORGAN AND HOUVOURAS)

[Passed February 25, 1992; in effect ninety days from passage.]

AN ACT to amend chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article six-d, relating to insurance policies covering motor vehicles; prohibiting any insurer, agent or adjuster from requiring an insured or claimant to use a particular company or location providing automobile glass replacement or repair services or products; prohibiting the use of intimidation, coercion or other specified acts in order to require an insured or claimant to use a particular company or location providing such services or products; permitting agreements or arrangements with particular companies; permitting distribution of lists which include glass companies in the area; requirement of payment of repair or replacement services at the prevailing market rate; and prohibiting waiver of insurance deductibles, offering of rebates or discounts or other incentives for automobile glass repair by any automobile glass company.

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

That chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article six-d, to read

as follows:

**ARTICLE 6D. MOTOR VEHICLE REPAIR AND REPLACEMENT REFERRALS.**

**§33-6D-1. Required use of particular companies or locations providing automobile glass replacement or repair services or products prohibited.**

1 No insurer issuing or renewing in this state any motor  
2 vehicle insurance policy, nor any agent or adjuster  
3 thereof, may require the insured or any person making  
4 a claim under such policy to use a particular company  
5 or location to obtain automobile glass replacement or  
6 repair services or products insured, in whole or in part,  
7 by that policy.

**§33-6D-2. Intimidation, coercion and other acts prohibited; permissive agreements.**

1 No such insurer, agent or adjuster may engage in any  
2 act or practice of intimidation, coercion or threat for or  
3 against any such insured or claimant to use a particular  
4 company or location to obtain automobile glass replace-  
5 ment or repair services or products covered, in whole  
6 or in part, by the insurance policy: *Provided*, That  
7 nothing contained in this article shall prohibit an  
8 insurer, agent or adjuster from entering into an  
9 agreement or arrangement with any company regard-  
10 ing automobile glass prices or services for the repair or  
11 replacement of automobile glass.

**§33-6D-3. Permissible referrals; freedom of choice; payment of costs at prevailing market rates.**

1 (a) Nothing contained in this article prohibits any  
2 insurer, agent or adjuster from providing to an insured  
3 or claimant a list that includes the names of automobile  
4 glass companies or locations that are reasonably close  
5 and convenient to the insured or claimant, and with  
6 which the insurer may have made special arrangements  
7 with respect to automobile glass prices or services.

8 (b) If an insurer, agent or adjuster provides an insured  
9 or claimant with a list of automobile glass companies or

10 locations, such insurer, agent or adjuster shall advise the  
11 insured or claimant that he or she may use any other  
12 automobile glass company or location of his or her  
13 choice.

14 (c) All insurers shall fully and promptly pay the cost  
15 of automobile glass replacement or repair services or  
16 products from any nonlisted automobile glass company  
17 or location, less any applicable deductible amount  
18 payable by the insured according to the terms of the  
19 insurance policy, at no less than the prevailing market  
20 price charged by other automobile glass companies or  
21 locations providing comparable services or products in  
22 the same geographic area within the state.

23 (d) No automobile glass company or location may  
24 waive insurance deductibles or offer rebates, discounts  
25 or other incentives for automobile glass repair which is  
26 being reimbursed by insurance. An insurer may limit  
27 payment of all glass claims to a glass company or  
28 location that has violated this provision to the lowest  
29 competitive price. The glass company or location may  
30 not seek reimbursement for any amounts not paid  
31 directly from the insured or claimant.

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

*Homer Heck*  
.....  
Chairman Senate Committee

*Ernest C. Moore*  
.....  
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

*Samuel P. Jones*  
.....  
Clerk of the Senate

*Donald G. Koep*  
.....  
Clerk of the House of Delegates

*Walter Brantley*  
.....  
President of the Senate

*Robert C. Bell*  
.....  
Speaker of the House of Delegates

The within *is approved* this the *6<sup>th</sup>*  
day of *March*, 1992.

*Robert C. Bell*  
.....  
Governor

PRESENTED TO THE

GOVERNOR

Date 3/3/92

Time 9:40