WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 1992

ENROLLED

By Delegate Morgan & Hourowitz

Passed Feb. 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.

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

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

No such insurer, agent or adjuster may engage in any act or practice of intimidation, coercion or threat for or against any such insured or claimant to use a particular company or location to obtain automobile glass replacement or repair services or products covered, in whole or in part, by the insurance policy: Provided, That nothing contained in this article shall prohibit an insurer, agent or adjuster from entering into an agreement or arrangement with any company regarding automobile glass prices or services for the repair or replacement of automobile glass.

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

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

(b) If an insurer, agent or adjuster provides an insured or claimant with a list of automobile glass companies or
locations, such insurer, agent or adjuster shall advise the
insured or claimant that he or she may use any other
automobile glass company or location of his or her
choice.

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

(d) No automobile glass company or location may
waive insurance deductibles or offer rebates, discounts
or other incentives for automobile glass repair which is
being reimbursed by insurance. An insurer may limit
payment of all glass claims to a glass company or
location that has violated this provision to the lowest
competitive price. The glass company or location may
not seek reimbursement for any amounts not paid
directly from the insured or claimant.
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 6th day of March, 1992.

Governor
PRESENTED TO THE
GOVERNOR
Date 3/3/92
Time 9:40