WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993

ENROLLED

Com. Sub. for

HOUSE BILL No. 2271

(By Delegates Phillips, Douglas P. White, Brown, Vest, Rowe and Compton)

Passed .................. April 10, 1993

In Effect Ninety Days from Passage
AN ACT to amend article six, chapter thirty-three of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section thirty-six, relating to insurance policies; the continuation of coverage under automobile liability policies; exclusions; notice; and rules to be promulgated by the commissioner of insurance.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 6. THE INSURANCE POLICY.

§33-6-36. Continuation of coverage under automobile liability policy; selection of coverage; exclusions; notice.

(a) In the event of death, legal separation or termination of the marital relationship of the named insured, the named insured or spouse covered by a motor vehicle liability policy for a period of two or more years shall, upon request of the named insured or spouse within
thirty days of the expiration of said policy, be issued his
or her own individual motor vehicle liability insurance
policy providing the same coverage as the original policy
through the same insurer, without any lapse in cover-
age: Provided, That any such named insured or spouse
may elect to increase or decrease the amount of coverage
in his or her respective policies without affecting any
privilege provided by this section. Any named insured
or spouse requesting an individual policy pursuant to
this section shall be entitled to the continuation of all
rights and privileges afforded by section one-a and
section four of article six-a of this chapter which were
accrued under the original policy: Provided, however,
That this section shall not apply to any motor vehicle
liability insurance policy canceled, non-renewed or
terminated pursuant to the provisions of section one or
section four, article six-a of this chapter.

(b) Insurers shall notify all named insureds at policy
issuance or the first renewal after the effective date of
this section and upon any change or termination of the
policy for reasons other than those provided in sections
one and four of article six of this chapter of the right
of the named insured or spouse to continue coverage as
provided by this section.

(c) The commissioner shall promulgate rules in
accordance with the provisions of chapter twenty-nine-
a of this code regarding the form of such notice and
procedures required by this section.
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 May, 1993.

Governor