

FILED

2014 MAR 24 P 4: 05

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2014

—●—  
**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 4204**

(By Delegates Hunt, Manchin, Manypenny,  
Skinner, Moore, Sponaugle and Ireland)

—●—  
Passed March 8, 2014

In effect ninety days from passage.

HB 4204

FILED

2014 MAR 24 P 4: 05

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**E N R O L L E D**

COMMITTEE SUBSTITUTE

FOR

**H. B. 4204**

---

(BY DELEGATES HUNT, MANCHIN, MANYPENNY,  
SKINNER, MOORE, SPONAUGLE AND IRELAND)

---

[Passed March 8, 2014; in effect ninety days from passage.]

---

AN ACT to amend and reenact §33-17A-4 of the Code of West Virginia, 1931, as amended, relating to the nonrenewal or cancellation of property insurance coverage policies in force for at least four years; prohibiting nonrenewal or cancellation of such policies as a result of certain claims arising from natural causes; prohibiting nonrenewal or cancellation of such policies as a result of certain claims arising from declared states of emergency.

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

That §33-17A-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

FILED

ARTICLE 17A. PROPERTY INSURANCE DECLINATION, TERMINATION  
AND DISCLOSURE.

§33-17A-4. Notification and reasons for a transfer, declination or  
termination.

1 (a) Upon declining to insure any real or personal property,  
2 subject to this article, the insurer making a declination shall  
3 provide the insurance applicant with a written explanation of the  
4 specific reason or reasons for the declination at the time of the  
5 declination. The provision of such insurance application form by  
6 an insurer shall create no right to coverage on the behalf of the  
7 insured to which the insured is not otherwise entitled.

8 (b) A notice of cancellation of property insurance coverage  
9 by an insurer shall be in writing, shall be delivered to the named  
10 insured or sent by first class mail to the named insured at the last  
11 known address of the named insured, shall state the effective  
12 date of the cancellation and shall be accompanied by a written  
13 explanation of the specific reason or reasons for the cancellation.

14 (c) At least thirty days before the end of a policy period, as  
15 described in subsection (c), section three of this article, an  
16 insurer shall deliver or send by first class mail to the named  
17 insured at the last known address of the named insured, notice of  
18 its intention regarding the renewal of the property insurance  
19 policy. Notice of an intention not to renew a property insurance  
20 policy shall be accompanied by an explanation of the specific  
21 reasons for the nonrenewal: *Provided*, That no insurer shall fail  
22 to renew an outstanding property insurance policy which has  
23 been in existence for four years or longer except for the reasons  
24 as set forth in section five of this article; or for other valid  
25 underwriting reasons which involve a substantial increase in the  
26 risk: *Provided, however*, That notwithstanding any other  
27 provision of this article, no property insurance coverage policy  
28 in force for at least four years, may be denied renewal or  
29 canceled solely as a result of:

30 (1) A single first party property damage claim within the  
31 previous thirty-six months and that arose from wind, hail,  
32 lightning, wildfire, snow or ice, unless the insurer has evidence  
33 that the insured unreasonably failed to maintain the property and  
34 that failure to maintain the property contributed to the loss, or

35 (2) Two first party property damage claims within the  
36 previous twelve months, both of which arose from claims solely  
37 due to an event for which a state of emergency is declared for the  
38 county in which the insured property is located, unless the  
39 insurer has evidence that the insured unreasonably failed to  
40 maintain the property and that failure to maintain the property  
41 contributed to the loss. "State of emergency" means the situation  
42 existing after the occurrence of a disaster in which a state of  
43 emergency has been declared by the Governor or by the  
44 Legislature pursuant to the provisions of section six, article five,  
45 chapter fifteen of this code or in which a major disaster  
46 declaration or emergency declaration has been issued by the  
47 President of the United States pursuant to the provisions of 42 U.  
48 S. C. §5122.

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

*Jenny Wells*  
Chairman, House Committee

*Rocky Fitzsimmons*  
Member ~~Chairman~~, Senate Committee

Originating in the House.

In effect ninety days from passage.

*Bryan D. Gray*  
Clerk of the House of Delegates

*Joseph M. Minard*  
Clerk of the Senate

*[Signature]*  
Speaker of the House of Delegates

*[Signature]*  
President of the Senate

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

2014 MAR 24 P 4: 05

FILED

The within *is approved* this the *24th*  
day of *March*, 2014.

*Earl Ray Tomblin*  
Governor

PRESENTED TO THE GOVERNOR

MAR 20 2014

Time 11:00 am