WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

SB 556

Enrolled

Senate Bill 556

BY SENATORS MARTIN, PHILLIPS, TAKUBO, AND WOELFEL

[Passed March 11, 2026; in effect 90 days from passage (June 9, 2026)]

WEST VIRGINIA LEGISLATURE

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FILED

2026 APR -1 P 10: 34

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

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Senate Bill 556

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[Passed March 11, 2026; in effect 90 days from passage (June 9, 2026)]

AN ACT to amend and reenact §33-6-29 of the Code of West Virginia, 1931, as amended, relating to modifying the priority of insurance coverage for drivers of motor vehicles provided by entities engaged in the sale, repair, or servicing of motor vehicles.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. THE INSURANCE POLICY.

§33-6-29. Motor vehicle policy; injuries to guest passengers; coverage for loaned or leased motor vehicles; exceptions.

(a) An insurer may not issue any policy of bodily injury or property damage liability insurance which excludes coverage to the owner or operator of a motor vehicle on account of bodily injury or property damage to any guest or invitee who is a passenger in such motor vehicle.

(b) Every policy or contract of liability insurance which insures a motor vehicle licensed in this state with collision, comprehensive, property, or bodily injury coverage shall extend these coverages to cover the insured individual while operating a motor vehicle which he or she is permitted to use by a person, firm, or corporation that owns the vehicle and is engaged in the business of selling, repairing, leasing, or servicing motor vehicles. Coverage under any motor vehicle insurance policy available to such insured individual shall be primary, and any collision, comprehensive, property, or bodily injury insurance coverage owned or obtained by a person, firm, or corporation that owns the motor vehicle and is engaged in the business of selling, repairing, leasing, or servicing motor vehicles shall be secondary. Recovery under the motor vehicle owner's insurance policy shall not be permitted until the insured individual has exhausted the limits of all other insurance policies available to him or her: *Provided*, That the following conditions are met: (1) No separate consideration is paid by or on behalf of the insured individual at the time of his or her use of the vehicle; and (2) the insured individual is operating the vehicle with the business owner's permission as a replacement vehicle provided to the insured individual while his or her vehicle is out of use because it is being repaired or serviced by the business owner or another person with the permission of the business owner.

(c) Notwithstanding any provision of this section to the contrary, any insurance coverage available to the insured individual as described in subsection (b) of this section shall be secondary to any motor vehicle liability insurance owned or obtained by the person, firm, or corporation engaged in the business of selling, repairing, leasing, or servicing motor vehicles, if the insured individual is an employee of the business owner and is operating the motor vehicle with the permission of the business owner while acting within the scope of his or her employment.

(d) Notwithstanding any provision of this code to the contrary, security maintained as required by §17D-2A-3 and §17D-4-2 of this code on any motor vehicle owned by any person, firm, or corporation engaged in the business of renting, leasing, selling, repairing, or servicing motor vehicles is secondary to coverage under any motor vehicle liability insurance or other form of security meeting or exceeding the requirements in §17D-1-1 *et seq.* of this code that is available and in effect for an individual with respect to the renting, leasing, operation, maintenance, or use of the motor vehicle: *Provided*, That any liability insurance purchased for additional consideration from the rental or leasing company shall be primary to other available insurance.

The Clerk of the Senate and the Clerk of the House of Delegates hereby certify that the foregoing bill is correctly enrolled.

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Clerk of the Senate

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Clerk of the House of Delegates

FILED

2026 APR -1 P 10: 34

OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

Originated in the Senate.

In effect 90 days from passage.

....
President of the Senate

....
Speaker of the House of Delegates

The within is ....approved........ this the........1st........

Day of ....April.., 2026.

....
Governor

PRESENTED TO THE GOVERNOR

MAR 13 2006

Time 3:30 pm