

1 H. B. 2206

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3 (By Delegate Talbott)

4 [Introduced January 12, 2011; referred to the
5 Committee on Banking and Insurance then the Judiciary.]
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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §33-6-31h, relating
12 to automobile insurance policies; and prohibiting
13 discrimination in rates on the basis of claims filed under the
14 uninsured or under insured motorist coverage in which the
15 insured is determined not to be at fault.

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

17 That the Code of West Virginia, 1931, as amended, be amended
18 by adding thereto a new section, designated §33-6-31h, to read as
19 follows:

20 **ARTICLE 6. THE INSURANCE POLICY.**

21 **§33-6-31h. Nondiscrimination in automobile insurance rates for**
22 **claims filed in which insured is determined not to**
23 **be at fault.**

1 An insurer may not discriminate in any manner against an
2 insured who has filed claims under the uninsured or under insured
3 motorist coverage required by section thirty-one of this article,
4 when the insurer is determining rates to be charged for a policy or
5 contract of bodily injury liability insurance or of property damage
6 liability insurance covering liability arising from the ownership,
7 maintenance or use of a motor vehicle,.

NOTE: The purpose of this bill is to prohibit discrimination in rates by insurance companies because of claims filed under the uninsured and under insured coverage of an automobile insurance policy.

This section is new; therefore, it has been completely underscored.