

1 COMMITTEE SUBSTITUTE

2 for

3 **H. B. 4486**

4
5 (By Delegates Miley, Hatfield, Ellem, Poore,
6 Reynolds, Hunt, Walters and Manchin)

7 (Originating in the Committee on the Judiciary)

8 [February 22, 2012]

9
10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §55-7-27, relating
12 to the disclosure of certain information regarding liability
13 insurance coverage.

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

15 That the Code of West Virginia, 1931, as amended, be amended
16 by adding thereto a new section, designated §55-7-27, to read as
17 follows:

18 **ARTICLE 7. ACTIONS FOR INJURIES.**

19 **§55-7-27. Disclosure of certain insurance information required.**

20 (a) (1) Each insurer which does or may provide liability
21 insurance coverage to pay all or a portion of any claim which
22 might be made shall provide, within thirty days of a written
23 request of the claimant, or the claimant's attorney, a statement,
24 under oath, of a corporate officer or the insurer's claims
25 manager or superintendent providing the following information

1 relating to each known policy of insurance, including excess or
2 umbrella insurance:

3 (A) The name of the insurer;

4 (B) The name of each insured;

5 (C) The limits of the liability coverage;

6 (D) A statement of any policy or coverage defense which the
7 insurer reasonably believes is available to the insurer at the
8 time of the filing of the statement;

9 (E) A copy of the policy;

10 (2) In addition, the insured, or his or her insurance agent,
11 upon written request of the claimant or the claimant's attorney,
12 shall disclose the name and coverage of each known insurer to the
13 claimant and shall forward the request for information as
14 required by this subsection to all affected insurers. The
15 insurer shall then supply the information required in this
16 subsection to the claimant within thirty days of the request.

17 (b) The statement required by subdivision (1), subsection
18 (a) of this section shall be amended immediately upon discovery
19 of facts calling for an amendment to the statement.