E N G R O S S E D

COMMITTEE SUBSTITUTE

FOR

H. B. 4486

(BY DELEGATES MILEY, HATFIELD, ELLEM, POORE,
REYNOLDS, HUNT, WALTERS AND MANCHIN)

(Originating in the Committee on the Judiciary)
[February 22, 2012]

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

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 7. ACTIONS FOR INJURIES.

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

1   (a) (1) Each insurer which does or may provide liability

2   insurance coverage to pay all or a portion of any claim which

3   is made shall provide, within thirty days of a written request

4   of the claimant, or the claimant's attorney, a statement, under

5   oath, of a corporate officer or the insurer's claims manager or

6   superintendent providing the following information relating

7   to each known policy of insurance, including excess or

8   umbrella insurance:

9   (A) The name of the insurer;

10   (B) The name of each insured;

11   (C) The limits of the liability coverage;

12   (D) A statement of any policy or coverage defense which

13   the insurer reasonably believes is available to the insurer at

14   the time of the filing of the statement;

15   (E) A copy of the policy;

16   (2) In addition, the insured, or his or her insurance agent,

17   upon written request of the claimant or the claimant's

18   attorney, shall disclose the name of each known insurer to the

19   claimant and shall forward the request for information as

20   required by this subsection to all affected insurers.   The

21   insurer shall then supply the information required in this

22   subsection to the claimant within thirty days of the request.

23   (b) The statement required by subdivision (1), subsection

24   (a) of this section shall be amended immediately upon

25   discovery of facts calling for an amendment to the statement.