

1 **ENROLLED**

2 COMMITTEE SUBSTITUTE

3 FOR

4 **Senate Bill No. 534**

5 (SENATOR PALUMBO, *original sponsor*)

6 _____
7 [Passed April 11, 2013; in effect from passage.]
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9

10 AN ACT to amend and reenact §33-6F-2 of the Code of West Virginia,
11 1931, as amended, relating to correcting an internal reference
12 of the code with regard to insurance information disclosure.

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

14 That §33-6F-2 of the Code of West Virginia, 1931, as amended,
15 be amended and reenacted to read as follows:

16 **ARTICLE 6F. DISCLOSURE OF NONPUBLIC PERSONAL INFORMATION.**

17 **§33-6F-2. Disclosure of certain insurance information required.**

18 Notwithstanding the provisions of section one of this article:

19 (a) Each insurer that provides personal lines liability
20 insurance coverage, as that term is defined in section nine,
21 article twelve of this chapter, to pay all or a portion of a claim
22 asserted against an insurance policy insuring a motor vehicle shall
23 provide, within thirty days of its receipt of a written request
24 from a claimant's attorney who has given written notice that he or
25 she represents the claimant:

1 (1) A response providing the following information relating to
2 each of the insurer's known policies of insurance, including excess
3 or umbrella insurance, which does or may provide liability coverage
4 for the claim:

5 (A) The name of the insurer;

6 (B) The name of each named insured of the subject policy; and

7 (C) The limits of any motor vehicle liability insurance policy
8 at the time of the events that are the subject of the claim; or

9 (2) The declarations page of any motor vehicle liability
10 policy applicable at the time of the events that are the subject of
11 the claim, appropriately redacted to comply with applicable privacy
12 laws or rules;

13 (b) Any written request by the claimant's attorney under this
14 section must include:

15 (1) The date and location of the events that are the subject
16 of the claim;

17 (2) The name and, if known, the last known address of the
18 insured;

19 (3) A copy of the accident or incident report, if any;

20 (4) The insurer's claim number;

21 (5) A good-faith estimate and documentation of all of the
22 claimant's medical expenses if any and any wage loss documentation
23 as of the date of the request, if any; and

24 (6) Documentation as of the date of the request of any and all
25 property damage.

26 (c) Disclosure of the information required by subsection (a)

1 of this section is not an admission that the alleged injury or
2 damage is subject to the policy, nor does the disclosure waive any
3 reservation of rights an insurer may have.

4 (d) The information disclosed by any party pursuant to this
5 section, by reason of the disclosure, is not admissible as evidence
6 at trial.

7 (e) An insurer's compliance with this section does not
8 constitute a violation of this article, or subsection (12), section
9 four, article eleven of this chapter.

10 (f) An insurer that fails to comply with this section is
11 subject to a penalty of \$500, plus reasonable attorneys' fees and
12 expenses incurred in obtaining disclosure of the information
13 required by subsection (a) of this section. This penalty is the
14 sole and exclusive remedy for an insurer's failure to comply with
15 this section.