

1 COMMITTEE SUBSTITUTE

2 FOR

3 **Senate Bill No. 534**

4 (By Senator Palumbo)

5 \_\_\_\_\_  
6 [Originating in the Committee on Judiciary;

7 reported March 20, 2013.]

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9  
10 A BILL 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 ~~six-f, of this chapter~~

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

1 that he or she represents the claimant:

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

6 (A) The name of the insurer;

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

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

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

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

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

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

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

21 (4) The insurer's claim number;

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

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

1 (c) Disclosure of the information required by subsection (a)  
2 of this section ~~shall not constitute~~ is not an admission that the  
3 alleged injury or damage is subject to the policy, nor ~~shall such~~  
4 does the disclosure waive any reservation of rights an insurer may  
5 have.

6 (d) ~~No~~ The information disclosed by any party pursuant to this  
7 section, ~~shall be~~ by reason of ~~such~~ the disclosure, is not  
8 admissible as evidence at trial.

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

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

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(NOTE: The purpose of this bill is to correct an internal reference in the code with regard to insurance information disclosure which is supposed to make clear that providing certain required information is not a violation of the insurer's responsibility to maintain the confidentiality of consumer financial and health information.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.)

