

1 **Senate Bill No. 534**

2 (By Senator Palumbo)

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4 [Introduced March 14, 2013; referred to the Committee on the  
5 Judiciary.]  
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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 which is supposed to make clear that providing the required  
14 information is not a violation of the insurer's responsibility  
15 to maintain the confidentiality of consumer financial and  
16 health information.

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

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

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

21 **§33-6F-2. Disclosure of certain insurance information required.**

22 Notwithstanding the provisions of section one of this article:

23 ~~six-f, of this chapter~~

1           (a) Each insurer that ~~may provide~~ provides personal lines  
2 liability insurance coverage as that term is defined in section  
3 nine, article twelve of this chapter to pay all or a portion of a  
4 claim asserted against an insurance policy insuring a motor vehicle  
5 shall provide, within thirty days of its receipt of a written  
6 request from a claimant's attorney who has given written notice  
7 that he or she represents the claimant:

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

12           (A) The name of the insurer;

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

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

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

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

22           (1) The date and location of the events that are the subject  
23 of the claim;

24           (2) The name and, if known, the last known address of the

1 insured;

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

3 (4) The insurer's claim number;

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

7 (6) Documentation as of the date of the request of any and all  
8 property damage.

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

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

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

20 (f) An insurer that fails to comply with this section is  
21 subject to a penalty of \$500, plus reasonable attorneys' fees and  
22 expenses incurred in obtaining disclosure of the information  
23 required by ~~subsection~~ subdivision (a) of this section. This  
24 penalty is the sole and exclusive remedy for an insurer's failure

1 to comply with this section.

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.