

1 **ENROLLED**

2 **COMMITTEE SUBSTITUTE**

3 **FOR**

4 **H. B. 2557**

5 (By Delegates Walters, Westfall, Pasdon, Moffatt, Morgan, Perry,  
6 Hartman, McCuskey, Frich, Storch and H. White)

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8  
9 [Passed March 12, 2015; in effect ninety days from passage.]

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11 AN ACT to amend and reenact §33-6-29 of the Code of West Virginia, 1931, as amended, relating  
12 generally to security and insurance coverage provided for rented or leased motor vehicles;  
13 providing that security maintained on any motor vehicle owned by any person, firm or  
14 corporation engaged in the business of renting or leasing the motor vehicle is secondary to  
15 coverage under certain motor vehicle liability insurance or other form of security that is  
16 available and in effect for an individual with respect to the renting, leasing, operation,  
17 maintenance or use of the motor vehicle; and providing that any liability insurance purchased  
18 for additional consideration from the rental or leasing company shall be primary to other  
19 available insurance.

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

21 That §33-6-29 of the Code of West Virginia, 1931, as amended, be amended and reenacted  
22 to read as follows:

23 **ARTICLE 6. THE INSURANCE POLICY.**

24 **§33-6-29. Motor vehicle policy; injuries to guest passengers; coverage for loaned or leased**

1                   **motor vehicles; exceptions.**

2           (a) An insurer may not issue any policy of bodily injury or property damage liability  
3 insurance which excludes coverage to the owner or operator of a motor vehicle on account of bodily  
4 injury or property damage to any guest or invitee who is a passenger in such motor vehicle.

5           (b) Every policy or contract of liability insurance which insures a motor vehicle licensed in  
6 this state with collision, comprehensive, property or bodily injury coverage shall extend these  
7 coverages to cover the insured individual while operating a motor vehicle which he or she is  
8 permitted to use by a person, firm or corporation that owns the vehicle and is engaged in the business  
9 of selling, repairing, leasing or servicing motor vehicles. Coverage under any motor vehicle  
10 insurance policy available to such insured individual shall be primary, and any collision,  
11 comprehensive, property or bodily injury insurance coverage owned or obtained by a person, firm  
12 or corporation that owns the motor vehicle and is engaged in the business of selling, repairing,  
13 leasing or servicing motor vehicles shall be secondary. Recovery under the motor vehicle owner's  
14 insurance policy shall not be permitted until the insured individual has exhausted the limits of all  
15 other insurance policies available to him or her: *Provided*, That the following conditions are met:  
16 (1) No separate consideration is paid by or on behalf of the insured individual at the time of his or  
17 her use of the vehicle; and (2) the insured individual is operating the vehicle with the business  
18 owner's permission as a replacement vehicle provided to the insured individual while his or her  
19 vehicle is out of use because it is being repaired or serviced by the business owner or another person  
20 with the permission of the business owner.

21           (c) Notwithstanding any provision of this section to the contrary, any insurance coverage  
22 available to the insured individual as described in subsection (b) of this section shall be secondary

1 to any motor vehicle liability insurance owned or obtained by the person, firm or corporation  
2 engaged in the business of selling, repairing, leasing or servicing motor vehicles, if the insured  
3 individual is an employee of the business owner and is operating the motor vehicle with the  
4 permission of the business owner while acting within the scope of his or her employment or the  
5 insured individual is testing the vehicle for possible purchase or for a lease with more than a  
6 thirty-day term.

7 (d) Notwithstanding any provision of this code to the contrary, security maintained as  
8 required by section three, article two-a and section two, article four, chapter seventeen-d of this code  
9 on any motor vehicle owned by any person, firm or corporation engaged in the business of renting  
10 or leasing the motor vehicle is secondary to coverage under any motor vehicle liability insurance or  
11 other form of security meeting or exceeding the requirements in chapter seventeen-d of this code  
12 that is available and in effect for an individual with respect to the renting, leasing, operation,  
13 maintenance, or use of the motor vehicle: *Provided*, That any liability insurance purchased for  
14 additional consideration from the rental or leasing company shall be primary to other available  
15 insurance.