

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 2557**

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

6
7 (Originating in the House Committee on Judiciary)

8 [February 27, 2015]

9
10 A BILL to amend and reenact §33-6-29 of the Code of West Virginia, 1931, as amended, relating
11 generally to motor vehicle insurance policies and coverage provided for rented or leased
12 motor vehicles; clarifying that an insured driver of a motor vehicle is covered by the driver's
13 motor vehicle insurance policy when renting or leasing a motor vehicle; and providing that
14 if the driver renting or leasing a motor vehicle does not have motor vehicle insurance
15 coverage, the rental or leasing car company is the provider of security.

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

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

19 **ARTICLE 6. THE INSURANCE POLICY.**

20 **§33-6-29. Motor vehicle policy; injuries to guest passengers; coverage for loaned or leased**
21 **motor vehicles; exceptions.**

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

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

17 (c) Notwithstanding any provision of this section to the contrary, any insurance coverage
18 available to the insured individual as described in ~~the foregoing paragraph~~ subsection (b) of this
19 section shall be secondary to any motor vehicle liability insurance owned or obtained by the person,
20 firm or corporation engaged in the business of selling, repairing, leasing or servicing motor vehicles,
21 if the insured individual is an employee of the business owner and is operating the motor vehicle
22 with the permission of the business owner while acting within the scope of his or her employment

1 or the insured individual is testing the vehicle for possible purchase or for a lease with more than a
2 thirty-day term.

3 (d) Notwithstanding any provision of this code to the contrary, security maintained as
4 required by section three, article two-a and section two, article four, chapter seventeen-d of this code
5 on any motor vehicle owned by any person, firm or corporation engaged in the business of renting
6 or leasing the motor vehicle is secondary to coverage under any motor vehicle liability insurance or
7 other form of security meeting or exceeding the requirements in chapter seventeen-d of this code
8 that is available and in effect for an individual with respect to the renting, leasing, operation,
9 maintenance, or use of the motor vehicle.

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