

# **E N R O L L E D**

COMMITTEE SUBSTITUTE

for

## **H. B. 2557**

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(BY DELEGATE(S) WALTERS, WESTFALL,  
PASDON, MOFFATT, MORGAN, PERRY, HARTMAN, MCCUSKEY,  
FRICH, STORCH AND H. WHITE)

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

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AN ACT to amend and reenact §33-6-29 of the Code of West Virginia, 1931, as amended, relating generally to security and insurance coverage provided for rented or leased motor vehicles; providing that security maintained on any motor vehicle owned by any person, firm or corporation engaged in the business of renting or leasing the motor vehicle is secondary to coverage under certain motor vehicle liability insurance or other form of security that is available and in effect for an individual with respect to the renting,

leasing, operation, maintenance or use of the motor vehicle; and providing that any liability insurance purchased for additional consideration from the rental or leasing company shall be primary to other available insurance.

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

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

**ARTICLE 6. THE INSURANCE POLICY.**

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

1 (a) An insurer may not issue any policy of bodily injury or  
2 property damage liability insurance which excludes coverage to  
3 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  
5 passenger in such motor vehicle.

6 (b) Every policy or contract of liability insurance which  
7 insures a motor vehicle licensed in this state with collision,  
8 comprehensive, property or bodily injury coverage shall extend  
9 these coverages to cover the insured individual while operating  
10 a motor vehicle which he or she is permitted to use by a person,  
11 firm or corporation that owns the vehicle and is engaged in the  
12 business of selling, repairing, leasing or servicing motor  
13 vehicles. Coverage under any motor vehicle insurance policy  
14 available to such insured individual shall be primary, and any  
15 collision, comprehensive, property or bodily injury insurance  
16 coverage owned or obtained by a person, firm or corporation that  
17 owns the motor vehicle and is engaged in the business of selling,  
18 repairing, leasing or servicing motor vehicles shall be secondary.  
19 Recovery under the motor vehicle owner's insurance policy shall  
20 not be permitted until the insured individual has exhausted the

21 limits of all other insurance policies available to him or her:  
22 *Provided*, That the following conditions are met: (1) No separate  
23 consideration is paid by or on behalf of the insured individual at  
24 the time of his or her use of the vehicle; and (2) the insured  
25 individual is operating the vehicle with the business owner's  
26 permission as a replacement vehicle provided to the insured  
27 individual while his or her vehicle is out of use because it is  
28 being repaired or serviced by the business owner or another  
29 person with the permission of the business owner.

30 (c) Notwithstanding any provision of this section to the  
31 contrary, any insurance coverage available to the insured  
32 individual as described in subsection (b) of this section shall be  
33 secondary to any motor vehicle liability insurance owned or  
34 obtained by the person, firm or corporation engaged in the  
35 business of selling, repairing, leasing or servicing motor  
36 vehicles, if the insured individual is an employee of the business  
37 owner and is operating the motor vehicle with the permission of  
38 the business owner while acting within the scope of his or her  
39 employment or the insured individual is testing the vehicle for  
40 possible purchase or for a lease with more than a thirty-day term.

41 (d) Notwithstanding any provision of this code to the  
42 contrary, security maintained as required by section three, article  
43 two-a and section two, article four, chapter seventeen-d of this  
44 code on any motor vehicle owned by any person, firm or  
45 corporation engaged in the business of renting or leasing the  
46 motor vehicle is secondary to coverage under any motor vehicle  
47 liability insurance or other form of security meeting or  
48 exceeding the requirements in chapter seventeen-d of this code  
49 that is available and in effect for an individual with respect to the  
50 renting, leasing, operation, maintenance, or use of the motor  
51 vehicle: *Provided*, That any liability insurance purchased for  
52 additional consideration from the rental or leasing company shall  
53 be primary to other available insurance.



That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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*Chairman, House Committee*

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*Chairman, Senate Committee*

Originating in the House.

In effect ninety days from passage.

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*Clerk of the House of Delegates*

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*Clerk of the Senate*

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*Speaker of the House of Delegates*

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*President of the Senate*

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The within \_\_\_\_\_ this the \_\_\_\_\_  
day of \_\_\_\_\_, 2015.

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*Governor*





