

# **WEST VIRGINIA LEGISLATURE**

## **2017 REGULAR SESSION**

**Introduced**

### **House Bill 3057**

BY DELEGATES FLUHARTY, FLEISCHAUER, BATES,  
BALDWIN, LOVEJOY, FERRO, CANESTRARO, BARRETT AND  
WILLIAMS

[Introduced March 14, 2017; Referred  
to the Committee on Banking and Insurance then the  
Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
 2 designated §33-11-4c, relating to insurance unfair trade practices; prohibiting use of a  
 3 person's credit history in certain insurance transactions.

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

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
 2 section, designated §33-11-4c, to read as follows:

**ARTICLE 11. UNFAIR TRADE PRACTICES.**

**§33-11-4c. Use of credit history prohibited in certain transactions.**

1 With respect to insurance policies for passenger motor vehicles, residential property or  
 2 other personal insurance lines, no person may:

3 (1) Refuse to underwrite, cancel, refuse to renew a risk or increase a renewal premium  
 4 based, in whole or in part, on the credit history of an applicant for insurance or an insured person;

5 (2) Rate a risk based, in whole or in part, on the credit history of an applicant for insurance  
 6 or an insured person in any manner, including, but not limited to, the provision or removal of a  
 7 discount, assigning an applicant or insured person to a rating tier, or placing an applicant or  
 8 insured person with an affiliated company; or

9 (3) Require a particular payment plan based, in whole or in part, on the credit history of  
 10 the applicant for insurance or the insured person.

NOTE: The purpose of this bill is to prohibit the use of a person's credit history in certain insurance transactions.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.