

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Originating

House Bill 4970

BY DELEGATES WESTFALL, QUEEN, PHILLIPS, MILLER, R.

KELLY, D. FLEISCHAUER, STEELE, KESSINGER, KUMP,

WAXMAN, AND N. BROWN

[Originating in the Committee on the Judiciary;

Reported on February 21, 2020.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §33-6-40, relating to military service as a factor in certain insurance coverage
3 rates; prohibiting an insurance company from increasing premiums while reinstating an
4 insurance contract that was previously cancelled or suspended due to the military service
5 of the insured; prohibiting an insurer from charging an increased premium for a new
6 insurance contract when the applicant has had a policy from another insurer terminated
7 as a result of military service; defining service with the National Guard; and requiring
8 insurers to deem persons who have had an insurance policy suspended or terminated due
9 to military service as having maintained continuous coverage.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. THE INSURANCE POLICY.

§33-6-40. Military service as factor in insurance rates.

1 No person may charge an increased premium for reinstating any fire insurance contract,
2 marine insurance contract, or casualty insurance contract that was cancelled or suspended by an
3 insured solely as a result of their performance of military duty as a member of the United States
4 Armed Forces or as a member of the reserve component of the United States Armed Forces, to
5 include the National Guard of any state or territory. No person may charge an increased premium
6 for a new fire insurance contract, marine insurance contract, or casualty insurance contract if the
7 applicant for coverage or his or her covered dependents were previously insured with a different
8 insurer and cancelled that policy solely as a result of their performance of military duty as a
9 member of the United States Armed Forces or as a member of the reserve component of the
10 United States Armed Forces, to include the National Guard of any state or territory. For the
11 purposes of this section, service in the National Guard includes any full-time active duty for annual
12 training in the National Guard, inactive duty training, active duty operational support, active duty
13 special work, funeral honors, state active duty as a member of a National Guard unit, or any other
14 periods of service pursuant to Title 32 of the United States Code, or active service of any state or

- 15 territory. For purposes of determining premiums, an insurer shall consider such persons as having
16 maintained continuous coverage.

NOTE: The purpose of this bill is to prohibit insurers from charging military service members higher insurance premiums, commonly referred to as the "patriot penalty", as a result of a lapse in coverage due their active duty or reserve component military service.

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