

1 **ENGROSSED**

2 COMMITTEE SUBSTITUTE

3 for

4 **H. B. 4486**

5
6 (By Delegates Miley, Hatfield, Ellem, Poore,
7 Reynolds, Hunt, Walters and Manchin)

8 (Originating in the Committee on the Judiciary)

9 [February 22, 2012]

10
11 A BILL to amend the Code of West Virginia, 1931, as amended, by
12 adding thereto a new section, designated §55-7-27, relating
13 to the disclosure of certain information regarding liability
14 insurance coverage.

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

16 That the Code of West Virginia, 1931, as amended, be amended
17 by adding thereto a new section, designated §55-7-27, to read as
18 follows:

19 **ARTICLE 7. ACTIONS FOR INJURIES.**

20 **§55-7-27. Disclosure of certain insurance information required.**

21 (a) (1) Each insurer which does or may provide liability
22 insurance coverage to pay all or a portion of any claim which is
23 made shall provide, within thirty days of a written request of
24 the claimant, or the claimant's attorney, a statement, under
25 oath, of a corporate officer or the insurer's claims manager or

1 superintendent providing the following information relating to
2 each known policy of insurance, including excess or umbrella
3 insurance:

4 (A) The name of the insurer;

5 (B) The name of each insured;

6 (C) The limits of the liability coverage;

7 (D) A statement of any policy or coverage defense which the
8 insurer reasonably believes is available to the insurer at the
9 time of the filing of the statement;

10 (E) A copy of the policy;

11 (2) In addition, the insured, or his or her insurance agent,
12 upon written request of the claimant or the claimant's attorney,
13 shall disclose the name of each known insurer to the claimant and
14 shall forward the request for information as required by this
15 subsection to all affected insurers. The insurer shall then
16 supply the information required in this subsection to the
17 claimant within thirty days of the request.

18 (b) The statement required by subdivision (1), subsection
19 (a) of this section shall be amended immediately upon discovery
20 of facts calling for an amendment to the statement.