

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Committee Substitute

for

House Bill 2476

BY DELEGATE WESTFALL, AZINGER, HOTT, JEFFRIES, D.,

GRAVES, JENNINGS, CRISS, MANDT, NELSON, ESPINOSA

AND PORTERFIELD

[Originating in the Committee on Banking and

Insurance; January 29, 2019.]

1 A BILL to amend and reenact §33-6-33 of the Code of West Virginia, 1931, as amended, relating
2 to the valuation of a motor vehicle involved in an insurance claim; requiring that an amount
3 equal to the consumers sales tax applicable to the sale of motor vehicles be added to a
4 cash settlement arising from a total loss of a motor vehicle.

Be it enacted by the Legislature of West Virginia:

ARTICLE 6. THE INSURANCE POLICY.

§33-6-33. Valuation of motor vehicle involved in claim.

1 Insurance companies doing business in this state shall use the most recent version of an
2 “official used car guide” approved by the Insurance Commissioner as a guide for setting the
3 minimum value of any motor vehicle involved in a claim settlement arising from the total loss of a
4 motor vehicle ~~accident~~. In addition to any cash settlement value so agreed to by the claimant,
5 there shall be added an amount equal to ~~five percent of the cash settlement value as~~
6 ~~reimbursement to the claimant for the excise tax imposed under section four, article three, chapter~~
7 ~~seventeen-a of the Code of West Virginia~~ the consumers sales tax set forth in §11-15-3c (b) of
8 this code, with the cash settlement value representing the total actual sale price of a motor vehicle.