

# **WEST VIRGINIA LEGISLATURE**

## **2019 REGULAR SESSION**

**Introduced**

### **House Bill 2536**

BY DELEGATE WESTFALL, AZINGER, NELSON, CRISS,

ESPINOSA AND PORTERFIELD

[Introduced January 21, 2019; Referred  
to the Committee on Banking and Insurance then the  
Judiciary.]

1 A BILL to amend and reenact §33-30-6 of the Code of West Virginia, 1931, as amended, related  
2 to the Mine Subsidence Insurance program administered by the Board of Risk and  
3 Insurance Management; providing that when a policyholder has another source of  
4 insurance or remuneration for a covered loss, the mine subsidence insurance covers only  
5 the portion of the claim not covered by other sources; and providing that any recovery  
6 from other sources of insurance or remuneration for a claim will be first applied to property  
7 damage.

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

### **ARTICLE 30. MINE SUBSIDENCE INSURANCE.**

#### **§33-30-6. Mine subsidence coverage; waivers.**

1 Beginning October 1, 1982, every insurance policy issued or renewed insuring on a direct  
2 basis a structure located in this state shall include, at a separately stated premium, insurance for  
3 loss occurring on or after October 1, 1982, caused by mine subsidence unless waived by the  
4 insured: A waiver is not required and the coverage may only be provided if requested by the  
5 insured in the following counties: Berkeley, Cabell, Calhoun, Hampshire, Hardy, Jackson,  
6 Jefferson, Monroe, Morgan, Pendleton, Pleasants, Ritchie, Roane, Wirt, and Wood: The effective  
7 date of a new policy or endorsement containing mine subsidence insurance coverage shall be on  
8 the thirtieth calendar day after the application date. The premium charged for coverage shall be  
9 set by the board. At no time may the deductible be less than \$250 nor more than \$500; and total  
10 insured value reinsured by the board may not exceed \$200,000. In no event may the amount of  
11 mine subsidence reinsurance exceed the amount of the fire insurance on the structure. In the  
12 event that the policyholder has other insurance or other sources of remuneration for a loss  
13 covered by the mine subsidence insurance, the fund is liable for only the portion of the loss which  
14 the other insurance or other sources of remuneration will not cover. Any recovery for a covered  
15 loss received by the policyholder from any other source, up to the statutory limit of reinsurance,  
16 whether it is received before or after submission of the loss to the insurer, shall be applied to

17 property damages first and not to any other form of damages incurred by the policyholder.

NOTE: The purpose of this bill is to clarify that if a policyholder has other insurance or other sources of remuneration for a loss covered by the mine subsidence insurance, the Mine Subsidence Insurance Fund is only liable for the portion of the loss which the other insurance or other source of remuneration will not cover.

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