WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

House Bill 2616

BY DELEGATES RODIGHIERO, EVANS, R. THOMPSON,

TOMBLIN AND HICKS

[Introduced January 23, 2019; Referred

to the Committee on Banking and Insurance then the

Judiciary.]

1   A BILL to amend and reenact §17D-2A-4 of the Code of West Virginia, 1931, as amended, relating

2   to motor vehicle insurance; and providing a maximum repair cost for insured owners of

3   motor vehicles if a collision with a deer caused the damage.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2A. SECURITY UPON MOTOR VEHICLES.

§17D-2A-4. Certificate of insurance.

1   (a) All insurance carriers transacting insurance in this state shall supply a certificate to the

2   insured or to any person subject to the registration provisions of §17A-3-1 *et seq.* of this code

3   certifying that there is in effect a motor vehicle liability policy upon such motor vehicle in

4   accordance with the provisions of <u>that</u> article. three, chapter seventeen-a of this code The

5   certificate shall give its effective date and the effective date of the policy and, unless the policy is

6   issued to a person who is not the owner of a motor vehicle, must designate by explicit description,

7   in such detail as the Commissioner of the Division of Motor Vehicles shall by rule require, all motor

8   vehicles covered and all replacement vehicles of similar classification: *Provided,* That on and after

9   July 1, 1984, insurance companies shall supply a certificate of insurance in duplicate for each

10   policy term and for each vehicle included in a policy, except for those listed in a fleet policy. Each

11   such certificate of insurance shall list the name of the policyholder and the name of the vehicle

12   owner if different from the policyholder.

13   The certificate must specify for each vehicle listed therein that there is a minimum liability

14   insurance coverage not less than the requirements of §17D-4-2 of this code.

15   (b) The certificate provided pursuant to the provisions of this section or other proof of

16   insurance shall be carried by the insured in the appropriate vehicle for use as proof of security,

17   and must be presented at the time of vehicle inspection as required by §17C-16-1 *et seq.* of this

18   code. Any person violating the provisions of this subsection is guilty of a misdemeanor and, upon

19   conviction thereof, shall be fined not less than $200 nor more than $5,000; and upon a second or

20   subsequent conviction, shall be fined not less than $200 nor more than $5,000, or confined in the

21   ~~county or~~ regional jail for not less than 15 days nor more than one year, or both <u>fined and confined:</u>

22   *Provided,* That an insured shall not be guilty of a violation of this subsection ~~(b)~~ if he or she

23   furnishes proof that such insurance was in effect within seven days of being cited for not carrying

24   such certificate or other proof in such vehicle.

25   (c) As used in this section, proof of insurance means a certificate of insurance, an

26   insurance policy, a mechanically reproduced copy of an insurance policy, a certificate of self-

27   insurance, an image displayed on a wireless communication device, as defined in §17B-1-1 of

28   this code, that includes the information required by this section as provided by a liability insurer

29   or a copy of the current registration issued to a motor carrier by the Public Service Commission:

30   (1) Through the single state registration system established pursuant to §24A-6A-14 of this code;

31   or (2) pursuant to the provisions of §24A-6-4 of this code.

32   <u>(d) Notwithstanding any other provision in this code to the contrary, any person striking a</u>

33   <u>deer on a state highway is not liable for motor vehicle repair costs in excess of $200 regardless</u>

34   <u>of the amount of the deductible required from their motor vehicle insurance policy.</u>

NOTE: The purpose of this bill is to limit costs to insured automobile owners for repairs
needed when they hit a deer on a state highway.

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