

# **WEST VIRGINIA LEGISLATURE**

## **2024 REGULAR SESSION**

**Enrolled**

### **Senate Bill 875**

By Senators Tarr, Phillips, Clements, Jeffries, Nelson,

Oliverio, Queen, Roberts, Swope, and Woodrum

[Passed March 9, 2024; in effect from passage]

1 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto two new  
2 sections, designated §29-12-15 and §29-12-16, all relating to liability or other insurance  
3 coverage provided by the Board of Risk and Insurance Management to any entity for which  
4 such coverage is permissive under state code; placing a moratorium on providing new or  
5 additional property or liability coverage to any entity for which such coverage is permissive  
6 under state code except county boards of education, public charter schools, and certain  
7 other persons and entities for which coverage by the board is mandatory; and authorizing  
8 the board to non-renew insurance coverage to any entity for which such coverage is  
9 permissive under state code.

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

**ARTICLE 12. STATE INSURANCE.**

**§29-12-15. Moratorium on providing new or additional insurance coverage for any permissive entity, property, activity, etc.**

1 There is a moratorium on the board's authority under this article to provide new or  
2 additional property or liability insurance coverage for certain entities as of the effective date of the  
3 enactment of this section during the regular session of the Legislature, 2024. This moratorium  
4 prohibits new or additional insurance coverage by the board of those entities to which coverage is  
5 permissive, not mandatory, under this article, including, but not limited to, a political subdivision,  
6 charitable or public service organization, or an emergency medical services agency, each as  
7 defined in §29-12-5(b)(1) of this code. For the purposes of this section, "coverage" includes  
8 property or liability insurance to insure the property, activities, and responsibilities of an entity. This  
9 moratorium shall remain in effect until July 1, 2025: *Provided*, That this moratorium shall have no  
10 effect upon any contracts or agreements which are currently in effect, or the status of any  
11 insurance coverage in place on the effective date of this section, nor does it prohibit the board from  
12 extending any contracts or agreements which are currently in effect, or any insurance coverage in  
13 place on the effective date of this section: *Provided, however*, That this moratorium shall not apply

14 to county boards of education, teachers, supervisory and administrative staff members, service  
15 personnel, county superintendents of schools, school board members, public charter schools, and  
16 any other entity or person required to be insured by the board pursuant to §29-12-5a of this code.

**§29-12-16. Non-renewal of policies for permissive non-governmental entities.**

17 Notwithstanding any provision of law to the contrary, and notwithstanding the decision of  
18 the West Virginia Supreme Court of Appeals in *State ex rel. Human Res. Dev. & Empl. v. Bd. of*  
19 *Risk & Ins. Mgmt. of W. Va.*, 214 W. Va. 460 (2003), the board may, upon 60 days' advance notice  
20 to the insured, non-renew any policy of liability insurance or other insurance by the board to a non-  
21 governmental entity for which coverage is permissive, and not mandatory, pursuant to §29-12-  
22 5(b)(1) of this code.