

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

House Bill 3496

By Delegates Jeffries, Hott, Hall, and Barnhart

[Introduced March 18, 2025; referred to the
Committee on Finance]

1 A BILL to amend and reenact §33-17A-4 of the Code of West Virginia, 1931, as amended; and to
2 amend the code by adding a new section, designated §33-18-2, relating to property and
3 casualty insurance policies; authorizing Intelligent Mail barcodes; and authorizing
4 electronic posting of property and casualty insurance notices and documents on insurer's
5 website for retrieval by the policyholder.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 17A. PROPERTY INSURANCE DECLINATION, TERMINATION AND
DISCLOSURE.**

**§33-17A-4. Notification and reasons for a transfer, declination, termination, or renewal with
reduction in coverage.**

1 (a) Upon declining to insure any real or personal property, subject to this article, the insurer
2 making a declination shall provide the insurance applicant with a written explanation of the specific
3 reason or reasons for the declination at the time of the declination. The provision of such insurance
4 application form by an insurer shall create no right to coverage on behalf of the insured to which
5 the insured is not otherwise entitled.

6 (b) A notice of cancellation of property insurance coverage by an insurer shall be in writing,
7 shall be delivered to the named insured or sent by first class mail, which may include using
8 Intelligent Mail barcode (IMb) utilized by the United States Postal Service, to the named insured at
9 the last known address of the named insured, shall state the effective date of the cancellation, and
10 shall be accompanied by a written explanation of the specific reason or reasons for the
11 cancellation.

12 (c) At least 30 days before the end of a policy period, as described in §33-17A-3(c) of this
13 code, an insurer shall deliver or send by first class mail, which may include using Intelligent Mail
14 barcode (IMb) utilized by the United States Postal Service, to the named insured at the last known
15 address of the named insured, notice of its intention regarding the renewal of the property

insurance policy.

(1) Notice of an intention not to renew a property insurance policy shall be accompanied by an explanation of the specific reasons for the nonrenewal: *Provided*, That no insurer shall fail to renew an outstanding property insurance policy which has been in existence for four years or longer except for the reasons as set forth in §33-17A-5 of this code, or for other valid underwriting reasons which involve a substantial increase in the risk: *Provided, however*, That notwithstanding any other provision of this article, no property insurance coverage policy in force for at least four years, may be denied renewal or canceled solely as a result of:

(A) A single first party property damage claim within the previous 36 months and that arose from wind, hail, lightning, wildfire, snow, or ice, unless the insurer has evidence that the insured unreasonably failed to maintain the property and that failure to maintain the property contributed to the loss; or

(B) Two first party property damage claims within the previous 12 months, both of which arose from claims solely due to an event for which a state of emergency is declared for the county in which the insured property is located, unless the insurer has evidence that the insured unreasonably failed to maintain the property and that failure to maintain the property contributed to the loss. "State of emergency" means the situation existing after the occurrence of a disaster in which a state of emergency has been declared by the Governor or by the Legislature pursuant to the provisions of §15-5-6 of this code or in which a major disaster declaration or emergency declaration has been issued by the President of the United States pursuant to the provisions of 42 U. S. C. §5122.

(2) Notice of an intention to transfer a policyholder between companies within the same insurance group as provided in §33-17A-3(d)(1) of this code shall be given by each company or group of companies instituting such transfer and shall be accompanied by an explanation of the reasons for such transfer.

(3) Notice of an intention to renew a property insurance policy with a new policy that

includes changes made by the insurer, which result in a removal of coverage, diminution in the scope or reduction in coverage, change in deductible, or addition of an exclusion, shall be accompanied by an explanation of the changes made by the insurer. This subdivision does not apply to any change, reduction, or elimination of coverage made at the request of the insured, any correction of typographical or scrivener's errors, or the application of mandated legislative changes.

ARTICLE 18. CASUALTY INSURANCE.

§33-18-2. Property and casualty policies and endorsements.

Notwithstanding the provisions of §39A-2-1 et seq. of this code, an insurer offering property and casualty insurance policies may, in lieu of mailing or delivering, post on their website standard policies and endorsements that do not contain personally identifiable information. If an insurer elects to provide standard policy and endorsement forms on the insurer's website, the insurer shall ensure that the policies and endorsements are posted in a manner that complies with the following conditions:

(1) The policy and endorsements shall be easily accessible;

(2) The insurer shall archive all policies and endorsements for a period of five years after the expiration of the policy;

(3) All policies and endorsements shall be posted in a manner that allows an insured to print and save electronic copies of the documents;

(4) The insurer shall provide notice at the time of issuance of the initial policy forms and upon renewal of a method by which the insured may obtain, without charge, a paper or electronic copy of the insured's policy and endorsements;

(5) Each declaration page issued to an insured shall clearly identify the policy and endorsement forms purchased by the insured; and

(6) The insurer shall provide notice of any changes to the forms or endorsements and of the insured's right to obtain, without charge, paper or electronic copies of the forms in the manner

- 19 the insurer customarily communicates with the insured.

NOTE: The purpose of this bill is to authorize the use of USPS Intelligent Mail barcodes and authorize the electronic posting of generic property and casualty insurance notices and documents that do not contain customer identifiable information on the insurer's website for retrieval by the policyholder.

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