

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5462**

By Delegates Hall, Jeffries, and Hott

(By Request of the Board of Risk and Insurance  
Management)

[Introduced February 12, 2026; referred to the  
Committee on Finance]

1 A BILL to amend and reenact §33-30-6 of the Code of West Virginia, 1931, as amended, relating to  
 2 mine subsidence insurance; and clarifying limitation on mine subsidence insurance  
 3 coverage limits.

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

**ARTICLE 30. MINE SUBSIDENCE INSURANCE.**

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

1 (a) Beginning October 1, 1982, every insurance policy issued or renewed insuring on a  
 2 direct basis a structure located in this state shall include, at a separately stated premium,  
 3 insurance for loss occurring on or after October 1, 1982, caused by mine subsidence unless  
 4 waived by the insured: A waiver is not required and the coverage may only be provided if  
 5 requested by the insured in the following counties: Berkeley, Cabell, Calhoun, Hampshire, Hardy,  
 6 Jackson, Jefferson, Monroe, Morgan, Pendleton, Pleasants, Ritchie, Roane, Wirt, and Wood;

7 (b) The effective date of a new policy or endorsement containing mine subsidence  
 8 insurance coverage shall be on the thirtieth calendar day after the application date. The premium  
 9 charged for coverage shall be set by the board;

10 (1) At no time may the deductible be less than \$250 nor more than \$500; and total insured  
 11 value reinsured by the board may not exceed \$200,000. In no event may the amount of mine  
 12 subsidence reinsurance exceed the amount of the fire insurance on the structure.

13 (c) Recovery paid to the policyholder for an incurred covered loss, whether received before  
 14 or after submission of the loss to the insurer, must first be applied to property damages. If a source  
 15 other than the mine subsidence fund provides payment to an insured for a loss insured by the mine  
 16 subsidence insurance program, the fund is only liable up to the statutory limit of reinsurance for the  
 17 portion of the loss not covered by the other sources.

NOTE: The purpose of this bill is to clarify limitations on mine subsidence insurance recovery limits.

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