

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 5462

BY DELEGATES HALL, JEFFRIES, AND HOTT

(BY REQUEST OF THE BOARD OF RISK AND INSURANCE

MANAGEMENT)

[Passed March 14, 2026; in effect 90 days from

passage (June 12, 2026)]

1 AN ACT to amend and reenact §33-30-6 and §33-30-12 of the Code of West Virginia, 1931, as
2 amended, relating to mine subsidence insurance; requiring recovery paid to the
3 policyholder for an incurred covered loss first be applied to property damages; entitling
4 mine subsidence insurance fund to setoffs; making legislative findings; and prohibiting
5 cause of action against an insurer for mine subsidence insurance claims reported to the
6 Board of Risk and Insurance Management.

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
16 mine subsidence insurance program, the fund is only liable up to the statutory limit of reinsurance
17 for the portion of the loss not covered by the other sources.

§33-30-12. Right of recourse.

1 (a) Except in the case of fraud by an insurer, the board does not have any right of recourse
2 against the insurer and the insurer may settle losses in the customary manner consistent with this
3 article.

4 (b) The board may require an insurer to attempt recovery from a policyholder for the
5 amounts paid to such policyholder if, in the judgment of the board, the policyholder was not
6 entitled to the amounts paid because of fraud or violation of the policy conditions. The costs of
7 such recovery attempt shall be borne by the board. Any dispute under this section shall be subject
8 to the hearing and appeal provisions of article two of this chapter.

9 (c) The Legislature hereby finds the duties and responsibilities of insurers under this article
10 are to facilitate the availability of mine subsidence coverage in the state through and on behalf of
11 the board; therefore, a policyholder may not bring a cause of action or any other action against
12 the insurer for claims which have been reported to the board arising out of or relating to this article.

The Clerk of the House of Delegates and the Clerk of the Senate hereby certify that the foregoing bill is correctly enrolled.

.....
Clerk of the House of Delegates

.....
Clerk of the Senate

Originated in the House of Delegates.

In effect 90 days from passage.

.....
Speaker of the House of Delegates

.....
President of the Senate

The within is this the.....
Day of, 2026.

.....
Governor