

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **Senate Bill 556**

By Senators Martin, Phillips, Takubo, and Woelfel

[Introduced January 21, 2026; referred  
to the Committee on Finance]

1 A BILL to amend and reenact §33-6-29 of the Code of West Virginia, 1931, as amended, relating to  
2 modifying the priority of insurance coverage for drivers of motor vehicles provided by  
3 entities engaged in the sale, repair, or servicing of motor vehicles.

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

**ARTICLE                    6.                    THE                    INSURANCE                    POLICY.**

**§33-6-29. Motor vehicle policy; injuries to guest passengers; coverage for loaned or leased  
motor vehicles; exceptions.**

1 (a) An insurer may not issue any policy of bodily injury or property damage liability  
2 insurance which excludes coverage to the owner or operator of a motor vehicle on account of  
3 bodily injury or property damage to any guest or invitee who is a passenger in such motor vehicle.

4 (b) Every policy or contract of liability insurance which insures a motor vehicle licensed in  
5 this state with collision, comprehensive, property, or bodily injury coverage shall extend these  
6 coverages to cover the insured individual while operating a motor vehicle which he or she is  
7 permitted to use by a person, firm, or corporation that owns the vehicle and is engaged in the  
8 business of selling, repairing, leasing, or servicing motor vehicles. Coverage under any motor  
9 vehicle insurance policy available to such insured individual shall be primary, and any collision,  
10 comprehensive, property, or bodily injury insurance coverage owned or obtained by a person, firm,  
11 or corporation that owns the motor vehicle and is engaged in the business of selling, repairing,  
12 leasing, or servicing motor vehicles shall be secondary. Recovery under the motor vehicle owner's  
13 insurance policy shall not be permitted until the insured individual has exhausted the limits of all  
14 other insurance policies available to him or her: *Provided*, That the following conditions are met:

15 (1) No separate consideration is paid by or on behalf of the insured individual at the time of his or  
16 her use of the vehicle; and (2) the insured individual is operating the vehicle with the business  
17 owner's permission as a replacement vehicle provided to the insured individual while his or her

vehicle is out of use because it is being repaired or serviced by the business owner or another person with the permission of the business owner.

(c) Notwithstanding any provision of this section to the contrary, any insurance coverage available to the insured individual as described in subsection (b) of this section shall be secondary to any motor vehicle liability insurance owned or obtained by the person, firm, or corporation engaged in the business of selling, repairing, leasing, or servicing motor vehicles, if the insured individual is an employee of the business owner and is operating the motor vehicle with the permission of the business owner while acting within the scope of his or her employment. ~~or the insured individual is testing the vehicle for possible purchase or for a lease with more than a thirty-day term.~~

(d) Notwithstanding any provision of this code to the contrary, security maintained as required by ~~section three, article two-a and section two, article four, chapter seventeen-d~~ §17D-2A-3 and §17D-4-2 of this code on any motor vehicle owned by any person, firm, or corporation engaged in the business of renting, ~~or leasing, selling, repairing, or servicing the motor vehicle~~ motor vehicles is secondary to coverage under any motor vehicle liability insurance or other form of security meeting or exceeding the requirements in ~~chapter seventeen-d~~ §17D-1-1 et seq. of this code that is available and in effect for an individual with respect to the renting, leasing, operation, maintenance, or use of the motor vehicle: *Provided*, That any liability insurance purchased for additional consideration from the rental or leasing company shall be primary to other available insurance.