

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4877

**FISCAL
NOTE**

By Delegate Riley

[Introduced January 28, 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 certain vehicles to make
3 consistent with federal law.

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
18 vehicle is out of use because it is being repaired or serviced by the business owner or another
19 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.

NOTE: The purpose of this bill is to modify the priority of insurance coverage for persons operating a vehicle for the purpose of test driving or loaned out by the seller of a vehicle to be consistent with federal law governing insurance coverage for rental vehicles.

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