

Obsolote



DEPARTMENT OF MOTOR VEHICLES  
STATE OFFICE BUILDING  
CHARLESTON, W. VA.  
25305

JOHN D. ROCKEFELLER IV  
Governor

VIRGINIA L. ROBERTS  
Commissioner

March 2, 1983

13

The Honorable A. James Manchin  
Secretary of State  
State Capitol Building  
Charleston, West Virginia

Dear Mr. Manchin:

Attached are two copies of an emergency legislative rule being filed pursuant to Chapter 29A, Article 3, Section 15 of the Code of West Virginia 1931, as amended. The rule has been designated Series XIII of the Administrative Regulations of the Department of Motor Vehicles. The rules are entitled "Regulations Relating to Compulsory Motor Vehicle Liability Insurance."

The promulgation of an emergency rule is necessary in order to prevent substantial harm to the public interest. Immediate implementation of this rule will result in a dramatic reduction in the number of motor vehicle registration and operator license suspension orders related to the Compulsory Insurance provisions of the Code. Consequently, the elimination of unnecessary orders will reduce citizen inconvenience and departmental processing costs.

I certify that the attached rule constitutes the emergency rule promulgated and filed on March 2, 1983.

Very truly yours,

Virginia L. Roberts  
Commissioner

VLR/es

Attachments



STATE OF WEST VIRGINIA  
 OFFICE OF THE SECRETARY OF STATE  
 CHARLESTON 25305

A. JAMES MANCHIN  
 SECRETARY OF STATE

STATE REGISTER FILING

I, VIRGINIA L. ROBERTS, COMMISSIONER,  
 Title or Position

DEPARTMENT OF MOTOR VEHICLES, hereby submit to record in  
 Department or Division

the State Register on 8 1/2 x 11" paper two (2) copies of

- proposed rules and regulations concerning topics of material not covered by existing rules and regulations;
- proposed rules and regulations superseding rules and regulations already on file;
- notice of hearing;
- findings and determinations;
- Emergency Legislative Rule rules and regulations; or
- other - specify ( LEGISLATIVE ( ) PROCEDURAL ( ) INTERPRETIVE ( ) RL

This filing pertains to

Chapter 17A  
 Article 2  
 Series XIII  
 Section 1.00. thru 5.03.  
 Page No. 1 thru 6

- proposed rules and regulations are required to go to Legislative Rule Making Committee;
- proposed rules and regulations are excluded from Legislative Rule Making Committee;

March 2, 1983  
 Date Submitted

Virginia L. Roberts  
 Signature of Person Authorizing  
 this Filing

EMERGENCY

COMPULSORY MOTOR VEHICLE LIABILITY INSURANCE REGULATIONS

Chapter 17A-2  
Series XIII  
1983

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FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE 3/2/83  
Administrative Law Division

EMERGENCY

WEST VIRGINIA LEGISLATIVE RULES  
DEPARTMENT OF MOTOR VEHICLES

Chapter 17A-2  
Series XIII  
(1983)

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE

THIS DATE 3/2/83

Administrative Law Division

Subject: Regulations Relating to Compulsory Motor Vehicle Liability Insurance

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Section 1. General

1.01. Scope - These legislative rules establish certain guidelines and forms for insurers and the insureds with respect to motor vehicles subject to registration under Chapter 17A, Article 3, Section 2 of the Code of West Virginia of 1931, as amended, and subject to the required security under Chapter 17D, Article 2A, Section 3 of the Code of West Virginia of 1931, as amended.

1.02. Authority - These legislative rules are issued under the authority of Chapter 17A, Article 2, Section 9, and Chapter 17D, Article 2A, Section 8, of the Code of West Virginia of 1931, as amended.

1.03. Filing Date - These legislative rules were promulgated on the 2nd day of March, 1983, and were filed on the 2nd day of March, 1983, in the Office of the Secretary of State.

1.04. Effective Date - These legislative rules become effective on the 2nd day of March, 1983.

Section 2. Application and Enforcement

2.01. Application - These legislative rules apply to all owners and operators of motor vehicles subject to registration under

Chapter 17A, Article 3, Section 2 of the Code of West Virginia of 1931, as amended and subject to the required security under Chapter 17D, Article 2A, Section 3 of the Code of West Virginia of 1931, as amended. These legislative rules also apply to insurance companies and their agents authorized to issue motor vehicle liability insurance in this state.

2.02. Enforcement - Enforcement of these legislative rules is vested with the Commissioner of Motor Vehicles or a lawful designee of such officer.

Section 3. Definitions - The following definitions shall apply in the interpretation and enforcement of these legislative rules.

3.01. Code - Means the Code of West Virginia of 1931, as amended.

3.02. Certificate of Insurance - Means the form issued by an insurer to an insured which meets the requirements of §17D-2A-4 of the Code and which has been approved for use by the Commissioner.

3.03. Commissioner - Means the executive officer of the Department of Motor Vehicles appointed by the Governor pursuant to §17A-2-2 of the Code, or a designated representative of such officer.

3.04. Firmed up - Means when the policy will not be continued or reinstated to maintain coverage continuously in force.

3.05. Fleet Owner - Means any person in whose name more than twenty-five vehicles are registered in this state.

3.06. Liability Insurance - Means an insurance policy or contract as provided in Chapters 17D and 33 of the Code containing re-

coverable damages which shall be no less than the requirements of §17D-4-2 of the Code.

3.07. Notice of Cancellation or Termination of Policy - Means the form issued by an insurer to the Commissioner pursuant to §17D-2A-5 of the Code and which has been approved for use by the Commissioner.

3.08. Owner - Means the person responsible for the registration of a motor vehicle.

3.09. Owner's Statement of Insurance - Means the form prescribed by the Commissioner pursuant to §17A-3-3 of the Code. The Commissioner may also require on the form the disclosure of the motor vehicle license number and insurance policy number.

3.10. Owner's Statement of Seasonal Insurance - Means the form prescribed by the Commissioner pursuant to §17D-3-3 of the Code on which the motor vehicle owner supplies liability insurance information as required on the Owner's Statement of Insurance (3.09.). In addition, the owner shall certify that the liability insurance is in effect during the portion of the year in which the vehicle is in actual use.

3.11. Self-Insurer - Means a motor vehicle owner meeting the requirements of §17D-6-2 of the Code.

#### Section 4. Forms and Procedures Pertaining to the Insured

4.01. Verification of Insurance - Verification of motor vehicle liability insurance may be required to be provided to the Commissioner by the owner. A copy of the certificate of insurance, the insurance

policy, or a copy of the insurance policy will meet the verification requirements provided that the liability insurance is in effect as demonstrated on the verification document.

4.02. Owner's Statement of Insurance - An Owner's Statement of Insurance is required for each registered motor vehicle. An Owner's Statement of Insurance form is not required to be submitted on vehicles defined in §17A-10-1 of the Code as Class C, L, R, S, and T vehicles. Any other application for motor vehicle registration must include the completion of an Owner's Statement of Insurance by the owner of the motor vehicle. Application forms for renewal of motor vehicle registrations will include the Owner's Statement of Insurance on the reverse side.

Motor vehicle owners who provide security by means of qualifying as a self-insurer pursuant to §17D-6-2 of the Code, shall enter on each Owner's Statement of Insurance the words "Self-Insured" and the number of the Certificate of Self Insurance issued by the Commissioner in the space provided for identification of the insurance company.

Motor vehicle owners who provide security pursuant to §17D-4-16 of the Code, shall enter on each Owner's Statement of Insurance the words "Certificate of State Treasurer" and the number of the certificate issued by the State Treasurer in the space provided for the identification of the insurance company. The motor vehicle owner shall provide the Commissioner with a copy of such certificate.

4.03. Owner's Statement of Seasonal Insurance - Motor vehicle owners who wish to operate a motor vehicle only part of the year shall submit an Owner's Statement of Seasonal Insurance to the Commissioner. If and when the owner allows liability insurance coverage to lapse due to the seasonal or periodic nature of its use, the owner shall notify the insurance company in writing that the lapse of coverage will not result in an uninsured motor vehicle being operated.

Section 5. Forms and Procedures Pertaining to the Insurer

5.01. Certificate of Insurance - The form designated in Appendix A as WV-1A when printed as specified and completed in full, shall meet the requirements of §17D-2A-4 of the Code for issuance by the insurer to the insured. The certificate shall be accepted by the Commissioner and all law enforcement agencies as proof of insurance.

A Certificate of Insurance shall be provided by the insurer to the insured at least annually or upon request by the insured for each motor vehicle covered by a liability insurance policy.

In cases of motor vehicle owners qualifying as fleet owners, the word "fleet" may be used on each certificate in lieu of a motor vehicle description.

5.02. Notice of Cancellation or Termination of Policy - The form designated in Appendix B as WV-2A when printed as specified and completed in full, shall meet the requirements of §17D-2A-5 of the Code for issuance by the insurer to notify the Commissioner of all midterm cessations, company cancellations, terminations, or

non-renewal of liability insurance on any motor vehicle by either the insurer or insured when it has been firmed up by the insurer. Such notice to the Commissioner is not to be given when the action on the policy is the result of:

1. A transfer of insurance coverage to a replacement motor vehicle when the originally insured motor vehicle is sold, traded, or otherwise disposed of;

2. A change in the company providing coverage provided the insured shows proof of transfer of coverage to the former insurer;

3. A lapse of coverage on a motor vehicle used seasonally or periodically removed from service, provided the insurer has been notified in writing by the insured that the lapse of coverage will not result in an uninsured motor vehicle in use; or

4. A cessation of coverages not connected with the required security pursuant to §17D-4-2 of the Code.

5.03. Verification of Insurance - For the purposes of verification of information provided on the Owner's Statement of Insurance pursuant to §17A-3-3 of the Code, the Commissioner may forward the information provided on the statement to the listed insurer. The insurer shall notify the Commissioner within thirty calendar days whether or not the information is correct. If a discrepancy exists, the insurer shall provide the Commissioner with such information as appears in its records concerning that particular verification request.

## WEST VIRGINIA CERTIFICATE OF INSURANCE

<b>CERTIFICATE OF INSURANCE</b> (NAME OF COMPANY OR GROUP)		Vehicle Owner Enter Plate No. _____
an authorized West Virginia insurer certifies that there is in effect a motor vehicle liability policy upon the described vehicle in accordance with the provisions of the West Virginia Motor Vehicle Code.		
Year	Make	Vehicle Identification Number
Policy Number	Name of Insured (address optional)	
Effective Date of Certificate		
Effective Date of Policy		
THIS CERTIFICATE MUST BE CARRIED IN THE VEHICLE DESCRIBED ABOVE FOR USE AS PROOF OF INSURANCE. A COPY OF THIS CERTIFICATE MAY BE REQUESTED BY THE COMMISSIONER OF MOTOR VEHICLES.		
Signature of Owner _____		Date _____
WV-1A 6/82		

### Specifications:

The above specimen form shows the items to be included and their location on the certificate. If other wording is used prior approval of the Commissioner of Motor Vehicles is required. A certificate printed in accordance with the specimen form, including the addition of the Company logo if desired has the prior approval of the Commissioner.

1. One part form on white paper stock. Paper stock no less than 20 pound.
2. Size may vary from 3½" X 4" to 3½" X 5" effective January 1, 1984.
3. On certificates issued on renewal policies, the word "renewal" may be shown along with the policy effective date to facilitate acceptance of the certificate prior to the date shown.
4. Vehicle description - The year may be shown as two digits and the make may be abbreviated. Model may be shown in lieu of make. The full VIN shall be shown. The plate number shall be entered by the owner.
5. One certificate shall be provided for each vehicle insured at least annually or upon request by the insured.
6. When the insurer does not have a description of the vehicle insured under a fleet policy, the word "fleet" may be entered in lieu of vehicle description.
7. A facsimile signature of an authorized representative of the insurer may be preprinted on the certificate if the certificate is issued directly from the insured; provided, however, that where a certificate is field issued, the original signature and the agent's license number of a resident agent appointed by the insurer shall appear on the certificate.

NOTICE OF CANCELLATION OR TERMINATION OF POLICY

Name of Company

Policy Number

Date of Notice

Cancellation Date

Year-Make or Model

Vehicle Identification Number

TO BE FILED WITH:

COMMISSIONER OF MOTOR VEHICLES  
1800 Washington Street, E.  
Charleston, West Virginia 25317

WV-2A 6/82

SPECIFICATIONS FOR WEST VIRGINIA NOTICE OF TERMINATION (WV-2A 6/82)  
(Up to four vehicles may be reported on a single form)

Size: 7-3/8 inches wide X 3-1/2 inches high.

Paper: Not less than 20 pound white sulphite bond, or equivalent.

Type: One-part form.

APPENDIX B