



OFFICE OF THE SECRETARY OF STATE

A. JAMES MANCHIN

CHARLESTON 25305

THE STATE CAPITOL

STATE REGISTER FILING

ROBERT W. JACKSON  
DEPUTY SECRETARY OF STATE  
CORPORATE AFFAIRS

I, Thomas J. Stevens, Commissioner  
Title or Position

Department of Motor Vehicles, hereby submit to records in  
the State Register on 8 1/2 x 11" 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 rules and regulations
- Legislative ( ) Procedural ( ) Interpretive regulations
- other - specify \_\_\_\_\_

FILED IN THE OFFICE OF  
A. JAMES MANCHIN  
SECRETARY OF STATE  
THIS DATE 9-10-84  
Administrative Law Division

This filing pertains to

CHAPTER 17A ARTICLE 2 SECTION 9 of the  
West Virginia Code, 1931, as amended.

SERIES XIII, SECTION 1-Appendix B PAGE NO. 1-8 of the  
Administrative Code.

September 10, 1984  
Date Submitted

*Thomas J. Stevens*  
Signature of Person Authorizing  
this Filing



DEPARTMENT OF MOTOR VEHICLES

STATE OFFICE BUILDING  
CHARLESTON, W. VA.  
25317

JOHN D. ROCKEFELLER IV  
Governor

THOMAS J. STEVENS  
Commissioner

September 10, 1984

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

Dear Mr. Manchin:

Attached are two copies of proposed legislative rules which are being filed pursuant to §29A-3-9. Be advised that the Department of Motor Vehicles has approved the proposed legislative rules designated Series XIII, Compulsory Motor Vehicle Liability Insurance Regulations.

Very truly yours,

Thomas J. Stevens  
Commissioner

TJS:SOD/lak

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

THIS DATE 9-8-84  
Administrative Law Division

PROPOSED LEGISLATIVE RULE ANALYSIS

AGENCY: DEPARTMENT OF MOTOR VEHICLES

RULE: COMPULSORY MOTOR VEHICLE LIABILITY INSURANCE REGULATIONS;  
CHAPTER 17A-2, SERIES XIII, 1984

ABSTRACT

These are amendments to an existing rule governing compulsory insurance of motor vehicles subject to registration under Chapter §17A-3-2 and §17D-2A-3. Amendments made were the result of HB 1400 concerning notification by insurance companies of policy cancellations.

AUTHORITY

Code §17A-2-9. Powers and duties, rules and regulations; seal.

"(b) The commissioner is hereby authorized to adopt and enforce such rules and regulations as may be necessary to carry out the provisions of this chapter and any other laws the enforcement and administration of which are vested in the department."

Code §17D-2A-8. Security upon motor vehicles. (Article 2A)  
Rules and regulations. (Section 8)

"The commissioner of the department of motor vehicles is hereby authorized to promulgate such rules and regulations, in accordance with chapter twenty-nine-a of this code, as he deems necessary for the administration, operation and enforcement of the provisions of this article."

PERTINENT DATES

Filed for public hearing: July 5, 1984  
Date of public hearing: August 15, 1984  
Filed following public hearing: September 10, 1984  
Filed LRMRC: September 10, 1984  
Filed as emergency: June 14, 1984

## ANALYSIS

Section 1. Administrative.

Section 2. Administrative.

Section 3. Definitions.

NB-1 Minor changes in definitions primarily from comments received at hearing.

Section 4. Forms and procedures pertaining to the insured.

NB-2 Section 4.03 requires the owner of a vehicle with seasonal or periodic insurance, such as recreational vehicles, motorcycles, etc; must notify the insurance company upon the lapse of coverage. There is no way for Motor Vehicles to police this requirement nor is there a requirement upon the insurance company to notify Motor Vehicles. The dates of coverage are on file with the department anyway. The last line of Section 4.03 is unnecessary regulation.

Section 5. Forms and procedures pertaining to the insurer.

NB-3 Section 5 contains the most revision. It encompasses the filing of certificates by the insurance company of policies on vehicles; notices of cancellation of policies and procedural due process afforded the policyholder.

NB-4 HB 1400 removed notification by the insurance company if cancellation was the result of nonpayment of the premium but left in notification if cancellation was due to the causes enumerated in code §33-6A-1 (b) through (e). (Code §33-6A-1 is attached). Motor vehicles is requiring the insurance company to indicate which event caused the cancellation; b, c, d or e. The comments at hearing voiced opposition to this requirement. Failure to provide this information will result, through these rules, in sanctions being imposed on the company by the Insurance Commissioner under authority of code §33-3-11.

NB-5 Section 5 also includes a due process procedure for notice and hearing following receipt by Motor Vehicles of a cancellation notice. The period encompassed by this procedure may be as long as 65 days. The committee may wish to question if this is an excessive length of time.

Appendix: The two forms, certificate of insurance and notice of cancellation, are included in these rules as well as a reproduction of code §33-6A-1.

STAFF COMMENTS

The representatives of several insurance companies at hearing were opposed to some of the information requirements and will probably advance their arguments during the remainder of the review process. Motor Vehicles feels the requirements are needed to enforce the law and to strengthen their informational resources from the insurance companies. The insurance companies have remarked that the new requirements are too costly but no dollar figure has been presented.