

2004 SESSION

HOUSE SUBSTITUTE

049562492

HOUSE BILL NO. 1007

AMENDMENT IN THE NATURE OF A SUBSTITUTE
(Proposed by the House Committee on Commerce and Labor
on February 10, 2004)

(Patrons Prior to Substitute—Delegates Rust and Tata [HB 1332])

A BILL to amend the Code of Virginia by adding in Chapter 21 of Title 38.2 a section numbered 38.2-2127, relating to insurance; permitted exclusions.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 21 of Title 38.2 a section numbered 38.2-2127 as follows:

§ 38.2-2127. Certain exclusions permitted.

Notwithstanding the provisions of § 38.2-2108, any insurer that issues or delivers in the Commonwealth a new or renewal policy written to insure an owner-occupied dwelling may, with the named insured's written consent, exclude from coverage any liability resulting from an injury caused by a dangerous or vicious animal owned by or in the care, custody, or control of the insured if such animal has bitten, attacked, or inflicted injury on a person or a companion animal. Such risk shall be specifically identified in the exclusion. Uniform policy forms or endorsements that will be used by the insurer for such exclusions shall be filed with the Commission pursuant to § 38.2-317 and shall contain a disclosure stating that the named insured has agreed to the specified risk being excluded under the policy. The insured's execution of the document evidencing his consent thereto shall be acknowledged before a notary public or witnessed by a disinterested person. Such signed exclusions, evidence of the insured's consent, and the insurer's documentation substantiating the reason for the exclusion shall be made available to the Commission upon request. Upon completion of the notarized or witnessed signed exclusion, the insurer shall not be required to obtain the insured's written consent for any subsequent policy renewals.

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