

VIRGINIA ACTS OF ASSEMBLY -- 2017 SESSION

CHAPTER 44

An Act to amend the Code of Virginia by adding a section numbered 8.01-417.01, relating to disclosure of homeowners insurance or personal injury liability insurance policy limits; personal injury and wrongful death actions.

[H 1641]

Approved February 17, 2017

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-417.01 as follows:

§ 8.01-417.01. Disclosure of certain homeowners insurance and personal injury liability insurance policy limits.

A. After written notice of representation by an attorney of an individual injured at the residence of another, such attorney, or an individual injured at the residence of another if such individual is not represented by counsel, may, prior to the filing of a civil action for personal injuries sustained at the residence of another, request in writing that the insurer of the residence disclose the limits of liability of any homeowners insurance policy or any personal injury liability insurance policy that may be applicable to the claim. The requesting party shall provide the insurer with the date the injury was sustained; the address of the residence at which the injury was sustained; the name of the owner of the residence; and the claim number, if available. The requesting party shall also submit to the insurer the injured person's medical records, medical bills, and wage-loss documentation, if applicable, pertaining to the claimed injury. If the total of the medical bills and wage losses submitted equals or exceeds \$12,500, the insurer shall respond in writing within 30 days of receipt of the request and shall disclose the limits of liability at the time the injury was sustained of all such policies, regardless of whether the insurer contests the applicability of the policy to the injured person's claim. Disclosure of the policy limits under this section shall not constitute an admission that the alleged injury or damage is subject to the policy. Information concerning the insurance policy is not by reason of disclosure pursuant to this subsection admissible as evidence at trial.

B. After written notice of representation by an attorney of the personal representative of the estate of a decedent who died as a result of an injury sustained at the residence of another, such attorney, or the personal representative of the estate of a decedent who died as a result of an injury sustained at the residence of another if such personal representative is not represented by counsel, may, prior to the filing of a civil action for wrongful death as a result of an injury sustained at the residence of another, request in writing that the insurer of the residence disclose the limits of liability of any homeowners insurance policy or any personal injury liability insurance policy that may be applicable to the claim. The requesting party shall provide the insurer with the date the injury was sustained; the address of the residence at which the injury was sustained; the name of the owner of the residence; and the claim number, if available. The requesting party shall also submit to the insurer the death certificate of the decedent; the certificate of qualification of the personal representative of the decedent's estate; the names and relationships of the statutory beneficiaries of the decedent; medical bills, if any, supporting a claim for damages under subdivision 3 of § 8.01-52; and, if at the time the request is made a claim for damages under clause (i) of subdivision 2 of § 8.01-52 is anticipated, a description of the source, amount, and payment history of the claimed income loss for each beneficiary. The insurer shall respond in writing within 30 days of receipt of the request and shall disclose the limits of liability at the time the injury was sustained of all such policies, regardless of whether the insurer contests the applicability of the policy to the personal representative's claim. Disclosure of the policy limits under this section shall not constitute an admission that the alleged death or other damage is subject to the policy. Information concerning the insurance policy is not by reason of disclosure pursuant to this subsection admissible as evidence at trial.

C. As used in subsections A and B, "insurer" does not include the insurance agency or the insurance agent representing the homeowner as the authorized representative or agent with respect to any homeowners insurance policy or any personal injury liability insurance policy.