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HOUSE BILL NO. 888

House Amendments in [] — February 3, 1994

A *BILL to amend and reenact § 38.2-1905 of the Code of Virginia, relating to motor vehicle insurance; law enforcement employees.*

Patrons—Plum, Almand, Keating, Mayer and O'Brien; Senator: Howell

Referred to Committee on Corporations, Insurance and Banking

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-1905 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-1905. Motor vehicle insurer not to charge points or increase premiums in certain instances.

A. No insurer may increase its insured's premium or may charge points under a safe driver insurance plan to its insured as a result of a motor vehicle accident unless the accident was caused either wholly or partially by the named insured, a resident of the same household, or other customary operator. No insurer may increase its insured's premium or may charge points to its insured where the operator causing the accident is a principal operator insured under a separate policy. Any insurer increasing a premium or charging points as a result of a motor vehicle accident shall notify the named insured in writing and in the same notification shall inform the named insured that he may appeal the decision of the insurer to the Commissioner if he feels his premium has increased or he has been charged points as a result of a motor vehicle accident without just cause.

B. An appeal of a premium increase or of a point charge by the named insured shall be requested in writing within sixty days of receipt of the notice of any premium adjustment or of any point charge resulting from a motor vehicle accident. Upon receipt of the request, the Commissioner shall promptly initiate a review to determine whether the premium increase or the point charge is justified. The premium increase or the point charge shall remain in full force and effect until the Commissioner rules that the premium be adjusted or the point charge be removed because it is not justified, or because the point charge was not assigned in accord with the insurer's filed rating plan, and so notifies the insurer and the insured. Upon receipt of the ruling, the insurer shall promptly refund any premiums paid as a direct result of the premium increase or the point charge, and shall adjust future billings to reflect the Commissioner's ruling.

C. On and after January 1, 1991, no insurer shall assign points under a safe-driver insurance policy to any vehicle other than the vehicle customarily driven by the operator responsible for incurring points.

D. *If an insured is a law-enforcement employee, no insurer may increase such insured's personal insurance premium or may charge points under a safe driver insurance plan to such insured as a result of an accident which occurred [(i)] in the course of the insured's employment as a law-enforcement employee [~~and~~ (ii)] while the insured was driving a motor vehicle provided to him by the employing law-enforcement agency.*

E. *For the purposes of this section "law-enforcement employee" means any person [who has law-enforcement authority and is] employed by a Sheriff's department, a police department, or any other agency or department (i) which employs persons who have law-enforcement authority and (ii) which is under the direction and control of the Commonwealth or any local governing body.*

ENGROSSED

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