

VIRGINIA ACTS OF ASSEMBLY -- 1999 SESSION

CHAPTER 514

An Act to amend and reenact § 38.2-2231 of the Code of Virginia, relating to motor vehicle insurance; physical damage arbitration.

[H 1465]

Approved March 27, 1999

Be it enacted by the General Assembly of Virginia:

1. That § 38.2-2231 of the Code of Virginia is amended and reenacted as follows:

§ 38.2-2231. Physical damage arbitration between insurers; alternate forums.

A. Except as otherwise provided hereafter, insurers shall arbitrate and settle all disputed claims made for automobile physical damage between them in accordance with the terms of the Nationwide Intercompany Arbitration Agreement, or any successor thereto, as adopted and from time to time amended by its members, and the rules promulgated pursuant to the Agreement, unless the parties mutually agree, on a per case basis, to use another ~~arbitration~~ forum, which forum may include a court of competent jurisdiction, in which case the claim shall be arbitrated or tried in that alternate forum. Mandatory arbitration of disputed claims shall be limited solely to the issues of liability and damages.

B. Every automobile liability or physical damage insurer doing business in the Commonwealth shall be a member of the Nationwide Intercompany Arbitration Agreement, or any successor thereto, sponsored by the Committee on Insurance Arbitration. However, if any such insurer is unable to furnish proof of its membership in such agreement, an action may be asserted in a court of competent jurisdiction.