

# 2015 SESSION

INTRODUCED

15102350D

## HOUSE BILL NO. 2086

Offered January 14, 2015

Prefiled January 14, 2015

A *BILL to amend the Code of Virginia by adding a section numbered 38.2-2205.2, relating to motor vehicle liability insurance; coverage for damage to certain property.*

Patron—Fariss

Referred to Committee on Commerce and Labor

### Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 38.2-2205.2 as follows:

§ 38.2-2205.2. *Coverage for damage to covered property without regard to negligence.*

A. As used in this section, "covered property" means any (i) building, structure, or improvement located upon real property, including fencing; (ii) personal property located in a building or structure; or (iii) motor vehicle that at the time of the collision is parked or stationary at a location and in a manner that is not in violation of any applicable law or ordinance.

B. Notwithstanding any provision of law to the contrary, no policy or contract of property damage liability insurance relating to the ownership, maintenance, or use of a motor vehicle shall be issued or delivered in the Commonwealth to the owner of such vehicle or shall be issued or delivered by any insurer licensed in the Commonwealth upon any motor vehicle principally garaged or used in the Commonwealth unless it contains an endorsement or provisions undertaking to pay for damage to covered property owned by any person when the damage results from a collision in which the insured motor vehicle strikes the covered property. Liability under this section shall not be conditioned upon negligence or recklessness in the operation of the insured motor vehicle.

C. An insurer shall not deny a claim of a person under this section for damage to the person's covered property on grounds that the proximate cause of the collision was the negligent, reckless, or intentional act of any other person.

D. The limits of liability for damage to covered property required by this section shall not be less than the requirements for property damage liability coverage established in § 46.2-472.

E. When an insurer pays a claim to a person for damage to his covered property under the provisions of this section, the insurer shall be subrogated to the rights of the insured against any other person or party, and the insurer may enforce the legal liability of the other person or party. A subrogation action under this subsection may be brought in the insurer's name or in the name of the insured or the insured's personal representative.

INTRODUCED

HB2086

11/18/22 15:11