



**STATE OF WEST VIRGINIA**

Offices of the Insurance Commissioner

Rates and Forms Division

**BOB WISE**  
Governor

**JANE L. CLINE**  
Insurance Commissioner

**PRIVATE PASSENGER AUTOMOBILE LIABILITY OR PHYSICAL DAMAGE  
INSURANCE NONRENEWAL ELECTION FORM**

**Attn: To All Insurers Transacting the Business of Private Passenger Automobile Liability Insurance or Attn Physical Damage Insurance in the State of West Virginia**

**Re: Manner of Making Election Relating to Private Passenger Automobile Liability or Physical Damage Nonrenewals**

**Date: May 14, 2004**

This form shall be completed by all insurance companies transacting the business of private passenger automobile liability or physical damage insurance in West Virginia. During the 2004 Legislative Session, the Legislature amended Article 6A, Chapter 33 of the West Virginia Code pertaining to the nonrenewal of private passenger automobile liability or physical damage insurance (the "2004 amendments"). The 2004 amendments resulted in three methods by which insurers may nonrenew private passenger auto policies effective July 1, 2004.

First, for the period commencing July 1, 2004 and ending July 1, 2005, an insurer may choose to continue issuing all nonrenewal notices based upon the enumerated reasons for nonrenewal contained in West Virginia Code Section 33-6A-4 prior to the 2004 amendments. Alternatively, an insurer may elect to issue all nonrenewal notices based upon the reasons for nonrenewal enumerated in the 2004 amendments to West Virginia Code Section 33-6A-4, or may elect to issue all nonrenewal notices pursuant to West Virginia Code Section 33-6A-4a. If one of these two methods is elected, the company will be bound by its election for a period of five (5) years. Insurers are advised to review the above-cited code provisions prior to making an election.

A careful reading of the 2004 amendments shows that there are only two implementation dates for the revised provisions. A selection made prior to July 1, 2004 may be implemented on July 1, 2004. A selection made after July 1, 2004 may not be implemented until July 1, 2005. In order to allow reasonable mailing time for companies to elect to issue all nonrenewal notices pursuant to either the 2004 amendments to West Virginia Code Section 33-6A-4 or pursuant to West Virginia Code Section 33-6A-4a, the Insurance Commissioner will accept election forms completed prior to July 1, 2004 until July 16, 2004 for the July 1, 2004 implementation date. Please bear in mind our statutory sixty (60) day prior approval review period provisions when considering an implementation date for the purposes of necessary policy amendments. If no election is made prior to July 1, 2004, then an insurer will be presumed to have chosen the first option; i.e. the reasons for nonrenewal shall be limited to those contained in West Virginia Code Section 33-6A-4 prior to the 2004 amendments.

As of July 1, 2005, an insurer will have only two options with respect to the permissible methods for issuing nonrenewal notices and one of the options must be selected. Each insurer will be required to specify whether nonrenewals will be issued pursuant to West Virginia Code Section 33-6A-4 with the 2004 amendments, or 33-6A-4a. Each insurer must notify the Office of the Insurance Commissioner which of the two nonrenewal methods it intends to utilize no later than July 1, 2005 by sending in the enclosed election form. A selection of one of these two options is binding on the insurer for a period of five (5) years. Please note that the completion of this form does not affect any laws concerning the prior approval of forms or rules. Again, once an election is made the company will be bound by its election for a period of five (5) years. A separate copy of this form must be remitted by every individual insurer transacting the business of private passenger automobile liability or physical damage insurance in West Virginia to the Election Form shown below.

Please contact the Rates & Forms Division at (304) 558-2094 if you have any questions.

Sincerely,

Jack M. Rife

Director

JMR/cb

enclosure



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**ELECTION FORM**

Date Completed: \_\_\_\_\_

Implementation Date: \_\_\_\_\_

Please select one of the following options:

Option 1: §33-6A-4 \_\_\_\_\_ (enumerated reasons)

Option 2: §33-6A-4a \_\_\_\_\_ (percentage limitations)

Company Name: \_\_\_\_\_

NAIC Number: \_\_\_\_\_

**CERTIFICATION**

By acknowledging below, I hereby certify that all private passenger automobile liability or physical damage policies may only be nonrenewed by the specified method selected above for the five (5) year period subsequent to the proposed implementation date.

\_\_\_\_\_  
(Signed)

\_\_\_\_\_  
(Title)

\_\_\_\_\_  
(Date)

\_\_\_\_\_  
(Telephone Number)