

1 COMMITTEE SUBSTITUTE

2 FOR

3 **H. B. 4220**

4
5 (By Delegates Staggers and Manchin)

6 (Originating in the House Committee on the Judiciary)

7
8 [February 4, 2014]

9
10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §46A-6-111, relating
12 to requirements for agreements wherein consumers prospectively
13 waive their rights to trials by jury on claims arising from
14 related consumer transactions.

15 *Be it enacted by the Legislature of West Virginia:*

16 That the Code of West Virginia, 1931, as amended, be amended
17 by adding thereto a new section, designated §46A-6-111, to read as
18 follows:

19 **ARTICLE 6. GENERAL CONSUMER PROTECTION.**

20 **§46A-6-111. Waiver of jury trial in claims arising from consumer**
21 **transactions.**

22 An agreement wherein a consumer, in connection with a consumer
23 transaction, prospectively waives his or her right to a jury trial
24 in favor of mandatory arbitration on all claims or causes of action

1 arising from such consumer transaction, is enforceable against the
2 consumer: *Provided*, That such agreement (a) is memorialized and
3 executed on a separate document, standing alone from other
4 documents pertaining to the relevant consumer transaction, and (b)
5 makes clear by conspicuous language that the waiver of trial by
6 jury specifically includes, but is not limited to, claims or causes
7 of action involving personal injury, property damage and death.