

WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015



ENROLLED

Senate Bill No. 3

(BY SENATORS PALUMBO, LEONHARDT, BOLEY, FERNS, D. HALL,
KARNES, MAYNARD, NOHE, SYPOLT, TRUMP, BLAIR, WILLIAMS,
PLYMALE, KIRKENDOLL, STOLLINGS AND COLE (MR. PRESIDENT))

[PASSED JANUARY 29, 2015; IN EFFECT NINETY DAYS FROM PASSAGE.]

E N R O L L E D

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(BY SENATORS PALUMBO, LEONHARDT, BOLEY, FERNS, D. HALL,
KARNES, MAYNARD, NOHE, SYPOLT, TRUMP, BLAIR, WILLIAMS,
PLYMALE, KIRKENDOLL, STOLLINGS AND COLE (MR. PRESIDENT))

[Passed January 29, 2015; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended,
by adding thereto a new section, designated §55-7-27, relating
to liability of possessor of real property for harm to a
trespasser.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new section, designated §55-7-27, to read as
follows:

ARTICLE 7. ACTIONS FOR INJURIES.

§55-7-27. Liability of possessor of real property for harm to a trespasser.

- 1 (a) A possessor of real property, including an owner,
- 2 lessee or other lawful occupant, owes no duty of care to a
- 3 trespasser except in those circumstances where a
- 4 common-law right-of-action existed as of the effective date
- 5 of this section, including the duty to refrain from willfully or
- 6 wantonly causing the trespasser injury.

7 (b) A possessor of real property may use justifiable force
8 to repel a criminal trespasser as provided by section
9 twenty-two of this article.

10 (c) This section does not increase the liability of any
11 possessor of real property and does not affect any immunities
12 from or defenses to liability established by another section of
13 this code or available at common law to which a possessor of
14 real property may be entitled.

15 (d) The Legislature intends to codify and preserve the
16 common law in West Virginia on the duties owed to
17 trespassers by possessors of real property as of the effective
18 date of this section.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the

Day of, 2015.

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Governor