

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4383

FISCAL
NOTE

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MARCUM, HAMRICK, WALTERS, SOBONYA,
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HANSHAW

[Introduced February 3, 2016; referred to the
committee on the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
2 designated §5-30-1, relating to making individuals responsible for the costs relating to the
3 filing of excessive false complaints with state agencies and departments.

Be it enacted by the Legislature of West Virginia:

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new
2 article, designated §5-30-1, to read as follows:

ARTICLE 30. EXCESSIVE FILING OF FALSE COMPLAINTS.

§5-30-1. Filing false claims; limit, penalty; other remedies.

1 (a) Notwithstanding any other provision in this code to the contrary and in addition to any
2 other fine or penalty provided either by statute or law, any person making more than three false
3 complaints with a state agency or department that investigates such claims or allegations or
4 activity that is in contravention of a statute or regulation shall be responsible for the actual costs
5 associated with the investigation and resolution of those complaints. For the purpose of this
6 section a false complaint is a complaint, claim or allegation received by an agency or department
7 from an individual that, after it has been investigated and resolved, is found to be without
8 reasonable merit.

9 (b) Nothing in this section precludes the agency or department from seeking any equitable
10 relief including, but not limited to, an injunction. In the event any person defaults on any obligation
11 to pay under this section, the agency or department may collect such unpaid amounts by any
12 method provided by law including, but not limited to, attachment and foreclosure of a lien for the
13 unpaid amounts placed on property owned by the individual.

NOTE: The purpose of this bill is to make individuals responsible for the costs relating to the filing of excessive false complaints with state agencies and departments.

Strike-throughs indicate language that would be stricken from a heading or the present law, and underscoring indicates new language that would be added.