

WEST VIRGINIA LEGISLATURE

2017 REGULAR SESSION

Engrossed

Committee Substitute

for

Senate Bill 531

BY SENATOR SYPOLT

[Originating in the Committee on Agriculture and
Rural Development; reported on March 9, 2017]

1 A BILL to amend and reenact §19-13-4 of the Code of West Virginia, 1931, as amended, relating
2 to the renewal date for apiary certificates of registration.

Be it enacted by the Legislature of West Virginia:

1 That §19-13-4 of the Code of West Virginia, 1931, as amended, be amended and
2 reenacted to read as follows:

ARTICLE 13. INSPECTION AND PROTECTION OF AGRICULTURE.

§19-13-4. Registration of bees; identification of apiaries; limitation on liability.

1 (a) All persons keeping bees in this state shall apply for a certificate of registration for
2 beekeeping from the commissioner, within ten days of the date that bees are acquired, by notifying
3 the commissioner, in writing, of the number and location of colonies they own or rent, or which
4 they keep for someone else, whether the bees are located on their own property or someone
5 else's property. All apiary certificates of registration expire on ~~December 31~~ June 30 of each year
6 and must be renewed annually. Apiary certificates of registration issued in 2017 will be valid
7 through June 30, 2018.

8 (b) All persons owning or operating an apiary which is not located on their own property
9 must post the name and address of the owner or operator in a conspicuous place in the apiary.

10 (c) A person who:

11 (1) Owns and operates an apiary;

12 (2) Is registered with the commissioner; and

13 (3) Operates the apiary in a reasonable manner and in conformance with the West Virginia
14 Department of Agriculture's written best management practices provided by rule, is not liable for
15 any personal injury or property damage that occurs in connection with the keeping and
16 maintaining of bees, bee equipment, queen breeding equipment, apiaries and appliances. The
17 limitation of liability established by this section does not apply to intentional tortious conduct or
18 acts or omissions constituting gross negligence.

19 ~~The limitation on liability in this subsection shall not take effect until legislative rules~~
20 ~~promulgated by the Commissioner of Agriculture are authorized by the Legislature. However, the~~
21 ~~Commissioner of Agriculture shall have the authority to promulgate emergency rules under this~~
22 ~~subsection.~~

23 (d) ~~In order to effectuate the purposes of subsection (c), the~~ The commissioner shall
24 ~~propose for promulgation,~~ promulgate legislative rules in accordance with article three, chapter
25 twenty-nine-a of this code: ~~Provided, That the initial promulgation may be by emergency rule. The~~
26 ~~rule shall include~~ regarding the best management standards for the operation of apiaries. The
27 limitation on liability contained in subsection (c) shall not take effect until legislative rules are
28 promulgated in accordance with article three, chapter twenty-nine-a of this code.