

# **WEST VIRGINIA LEGISLATURE**

## **2020 REGULAR SESSION**

**Introduced**

### **House Bill 4436**

BY DELEGATES WESTFALL, SUMMERS, QUEEN, WAXMAN,

STORCH, NELSON AND KESSINGER

[Introduced January 21, 2020; 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 section,  
 2 designated §33-53-1, relating to the American Law Institute Restatement of Law, Liability  
 3 Insurance interpretation limitation.

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

**ARTICLE 53. INTERPRETATION OF WEST VIRGINIA INSURANCE LAW.**

**§33-53-1. Establishing that The American Law Institute Restatement of the Law, Liability  
 Insurance is not a source of West Virginia law.**

1 A statement of the law in The American Law Institute’s Restatement of the Law, Liability  
 2 Insurance does not constitute the law or public policy of this state if the statement of the law is  
 3 inconsistent or in conflict with, or otherwise not addressed by:

- 4 (1) The Constitution of the United States;
- 5 (2) The Constitution of the State of West Virginia;
- 6 (3) The Code of West Virginia;
- 7 (4) This state’s case law precedent; or
- 8 (5) Other common law that may have been adopted by this state.

9 The American Law Institute’s Restatement of the Law, Liability Insurance is not a source  
 10 of West Virginia law and shall not be afforded recognition as an authoritative reference regarding  
 11 West Virginia’s insurance law.

NOTE: The purpose of this bill is to clarify that The American Law Institute’s Restatement of the Law, Liability Insurance is not a source of West Virginia insurance law and shall not be recognized as an authoritative reference regarding West Virginia insurance law.

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