

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4413

BY DELEGATE WESTFALL

[Introduced January 26, 2022; Referred to the
Committee on Banking and Insurance then the
Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §33-4-24, relating to clarifying that any secondary source on insurance is not
 3 controlling authority.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. GENERAL PROVISIONS.

§33-4-24. Insurance secondary sources not authoritative.

1 A secondary source on insurance in any legal treatise, scholarly publication, textbook, or
 2 other explanatory text does not constitute the law or public policy of the state and is not
 3 authoritative if the secondary source purports to create, eliminate, expand, or restrict a cause of
 4 action, right, or remedy or if it conflicts with:

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

NOTE: The purpose of this bill is to clarify that secondary sources on insurance are not controlling authority.

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