

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

Senate Bill 484

BY SENATOR TRUMP

[Introduced January 25, 2022; 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 §2-1-3, relating to the application of an American Law Institute restatement of
 3 the law provision that is inconsistent with clearly established West Virginia law.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. COMMON LAW.

§ 2-1-3. American Law Institute Restatements of the Law.

1 In any civil action commenced on or after the effective date of this section, the court shall
 2 not adopt, apply, or give weight to a provision of an American Law Institute restatement of the law
 3 when ruling on an issue in the action unless the same principle is clearly expressed in the common
 4 or statutory law of this state as of the date on which the civil action is commenced.

NOTE: The purpose of this bill is to codify the Legislature's policy decision that West Virginia courts shall not adopt or rely upon provisions of American Law Institute restatements of the law in a civil case unless the principle is clearly expressed in West Virginia common or statutory law as of the date on which the civil action is commenced.

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