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]

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

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. GENERAL PROVISIONS.

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

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

(1) The Constitution of the United States or the Constitution of the State of West Virginia;

(2) The West Virginia Code;

(3) West Virginia case law precedent; or

(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.