

# **WEST VIRGINIA LEGISLATURE**

## **2022 REGULAR SESSION**

**Introduced**

### **Senate Bill 430**

BY SENATORS GRADY, CLEMENTS, PHILLIPS, ROBERTS,

STOVER, STOLLINGS, AND MARONEY

[Introduced January 19, 2022; referred

to the Committee on the Judiciary]

1 A BILL to amend and reenact §33-2-5 of the Code of West Virginia, 1931, as amended, relating  
 2 to modifying the witness fee rate paid by the State of West Virginia to match the U.S.  
 3 Federal Court system.

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

**ARTICLE 2. INSURANCE COMMISSIONER.**

**§33-2-5. Witness fees.**

1 No person shall be excused from attending and testifying in obedience to a subpoena  
 2 issued hereunder on the ground of failure of tender or payment of a witness fee or mileage fee  
 3 unless the witness makes demand for such payment as a condition precedent to the giving of  
 4 testimony or the production of documents required by the subpoena, and unless such payment is  
 5 not thereupon made. No insurer, agent, broker, solicitor or other person subject to the provisions  
 6 of this chapter whose conduct, condition or practices are being investigated, and no officer,  
 7 director or employee of any such person, shall be entitled to witness or mileage fees. In the event  
 8 that witness or mileage fees are demanded and paid, the amount of same shall be determined as  
 9 ~~\$10~~ \$40 for each day of attendance and ~~40¢~~ 57¢ per mile for each mile necessarily traveled to  
 10 the place of attendance, and the same for returning. The sum to which a witness is entitled shall  
 11 be paid out of the treasury in any case in which the attendance is for the commissioner. In all  
 12 other cases, it shall be paid by the person at whose instance the summons is issued.

NOTE: The purpose of this bill is to amend the witness fee rate in West Virginia to match the current federal rate.

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