

# **WEST VIRGINIA LEGISLATURE**

## **2023 REGULAR SESSION**

**Introduced**

## **House Bill 2082**

By Delegate Walker

[Introduced January 11, 2023; Referred to the  
Committee on Agriculture and Natural Resources  
then the Judiciary]

1 A BILL to amend and reenact §7-1-3 of the Code of West Virginia, 1931, as amended; to amend  
2 said code by adding thereto a new section, designated §8-11-3a; to amend said code by  
3 adding thereto a new section, designated §19-20-3a; and to amend and reenact §33-6-14  
4 of said code, all relating to prohibiting the enactment or enforcement of any statute,  
5 ordinance, legislative rule, policy or law that applies specifically to a particular dog breed or  
6 dog breed mix.

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

## **CHAPTER 7. COUNTY COMMISSIONS AND OFFICERS.**

### **ARTICLE 1. COUNTY COMMISSIONS GENERALLY.**

#### **§7-1-3. Jurisdiction, powers and duties.**

1 The county commissions, through their clerks, shall have the custody of all deeds and  
2 other papers presented for record in their counties and the same shall be preserved therein, or  
3 otherwise disposed of as now is, or may be prescribed by law. They shall have jurisdiction in all  
4 matters of probate, the appointment and qualification of personal representatives, guardians,  
5 committees, curators and the settlement of their accounts and in all matters relating to  
6 apprentices. They shall also, under the rules as now are or may be prescribed by law, have the  
7 superintendence and administration of the internal police and fiscal affairs of their counties,  
8 including the establishment and regulation of roads, ways, streets, avenues, drives and the like,  
9 and the naming or renaming thereof, in cooperation with local postal authorities, the Division of  
10 Highways and the directors of county emergency communications centers, to assure uniform,  
11 nonduplicative conversion of all rural routes to city-type addressing on a permanent basis,  
12 bridges, public landings, ferries and mills, with authority to lay and disburse the county levies. They  
13 shall, in all cases of contest, judge of the election, qualification and returns of their own members,  
14 and of all county and district officers, subject to appeal as prescribed by law. The tribunals as have  
15 been heretofore established by the Legislature under and by virtue of section 34, article VIII of the

16 Constitution of 1872, for police and fiscal purposes, shall, until otherwise provided by law, remain  
17 and continue as at present constituted in the counties in which they have been respectively  
18 established, and shall be and act as to police and fiscal matters in lieu of the county commission  
19 herein mentioned, until otherwise provided by law. And until otherwise provided by law, the clerk  
20 as is mentioned in section twenty-six of said article, as amended, shall exercise any powers and  
21 discharge any duties heretofore conferred on, or required of, any court or tribunal established for  
22 judicial purposes under said section, or the clerk of the court or tribunal, respectively, respecting  
23 the recording and preservation of deeds and other papers presented for record, matters of  
24 probate, the appointment and qualification of personal representatives, guardians, committees,  
25 curators and the settlement of their accounts and in all matters relating to apprentices. The county  
26 commission may not limit the right of any person to purchase, possess, transfer, own, carry,  
27 transport, sell or store any revolver, pistol, rifle or shotgun or any ammunition or ammunition  
28 components to be used therewith nor to so regulate the keeping of gunpowder so as to, directly or  
29 indirectly, prohibit the ownership of the ammunition: *Provided*, That no provision in this section  
30 may be construed to limit the authority of a county to restrict the commercial use of real estate in  
31 designated areas through ~~lanning~~ planning or zoning ordinances. No ordinance may be enacted or  
32 enforced by a county commission that selectively applies to a particular breed or breed mix of dog,  
33 or creates any obligation, duty or prohibition as to any particular dog breed or dog breed mix,  
34 including bans or limitations on ownership or possession, registration requirements, sterilization,  
35 muzzling, or restraint requirements for any particular dog breed or dog breed mix.

## CHAPTER 8. MUNICIPAL CORPORATIONS.

### ARTICLE 11. POWERS AND DUTIES WITH RESPECT TO ORDINANCES AND ORDINANCE PROCEDURES.

#### §8-11-3a. Ordinances applicable to a particular dog breed or dog breed mix.

1 No ordinance may be enacted or enforced by a municipality that selectively applies to a

2 particular dog breed or dog breed mix, or creates any obligation, duty or prohibition as to any  
3 particular dog breed or dog breed mix, including bans or limitations on ownership or possession,  
4 registration requirements, sterilization, muzzling, or restraint requirements for any particular dog  
5 breed or dog breed mix.

## CHAPTER 19. AGRICULTURE.

### ARTICLE 20. DOGS AND CATS.

#### **§19-20-3a. Prohibition of laws, rules, policies or selective enforcement of laws relating to a particular dog breed or dog breed mix.**

1 No law, rule or policy may be enacted, promulgated, or enforced by the commissioner that  
2 selectively applies to a particular dog breed or dog breed mix, or creates any obligation, duty or  
3 prohibition as to any particular dog breed or dog breed mix, including bans or limitations on  
4 ownership or possession, registration requirements, sterilization, muzzling, or restraint  
5 requirements for any particular dog breed or dog breed mix.

## CHAPTER 33. INSURANCE.

### ARTICLE 6. THE INSURANCE POLICY.

#### **§33-6-14. Certain policy conditions, etc., voided.**

1 (a) No policy delivered or issued for delivery in West Virginia and covering a subject of  
2 insurance resident, located, or to be performed in West Virginia, shall contain any condition,  
3 stipulation or agreement requiring such policy to be construed according to the laws of any other  
4 state or country, except as necessary to meet the requirements of the motor vehicle financial  
5 responsibility laws or compulsory disability benefit laws of such other state or country, or  
6 preventing the bringing of an action against any such insurer for more than six months after the  
7 cause of action accrues, or limiting the time within which an action may be brought to a period of  
8 less than two years from the time the cause of action accrues in connection with all insurances  
9 other than marine insurances; in marine policies such time shall not be limited to less than one

10 year from the date of occurrence of the event resulting in the loss. Any such condition, stipulation  
11 or agreement shall be void, but such voidance shall not affect the validity of the other provisions of  
12 the policy. This section shall not apply to the standard fire insurance policy.

13 (b) No policy delivered or issued for delivery in West Virginia and covering a subject of  
14 insurance resident, located, or to be performed in West Virginia, shall contain any condition,  
15 stipulation, agreement or ride that selectively applies to or excludes a particular dog breed or dog  
16 breed mix, or creates any additional premium or any obligation, duty or prohibition as to any  
17 particular dog breed or dog breed mix, including bans or limitations on ownership or possession,  
18 registration requirements, sterilization, muzzling, or restraint requirements for any particular dog  
19 breed or dog breed mix.

NOTE: The purpose of this bill is to prohibit the enactment or enforcement of any statute, ordinance, legislative rule, policy or law that applies specifically to a particular dog breed or dog breed mix.

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