

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Committee Substitute

for

House Bill 2816

By Delegates Funkhouser, Ridenour, Horst, J.

Cannon, Linville, and Masters

[Originating in the Committee on the Judiciary;

Reported on March 26, 2025]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
2 designated §2-1-3, relating to reliance on secondary sources in developing state common
3 law.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1. COMMON LAW.

§2-1-3. Secondary sources not controlling.

1 A provision in a legal treatise or secondary source that assumes the perspective of a
2 common law court does not constitute the law or public policy of this state, and shall not be relied
3 upon by a court in a civil action as an authoritative secondary source in developing civil case law or
4 common law of this state if the provision endorses the creation or expansion of a cause of action,
5 theory of liability, legal doctrine, right, or remedy not expressly recognized under the law of this
6 state at the time the legal action was brought.