

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Introduced

Senate Bill 648

By Senator Chapman

[Introduced March 3, 2025; referred
to the Committee on Government Organization; and
then to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new section,
 2 designated §2-2-10a, relating to interpretation of statutes, regulations, and rules by courts
 3 and administrative judges and other administrative officers.

Be it enacted by the Legislature of West Virginia:

**ARTICLE 2. LEGAL HOLIDAYS; SPECIAL MEMORIAL DAYS; CONSTRUCTION OF
 STATUTES; INTERPRETATION OF STATUTES; DEFINITIONS.**

§2-2-10a. Statutory interpretation.

1 (a) In interpreting a state statute, regulation, or other sub-regulatory document, a state
 2 court or an officer hearing an administrative action may not defer to a state agency's interpretation
 3 of it, and must instead interpret its meaning and effect de novo.
 4 (b) In actions brought by or against state agencies, after applying all customary tools of
 5 interpretation, the court or hearing officer must exercise any remaining doubt in favor of a
 6 reasonable interpretation which limits agency power and maximizes individual liberty.

NOTE: The purpose of this bill is to require courts and administrative officers to interpret statutes, regulations, and regulatory documents anew and not defer to the agency's interpretation of the rule or statute.

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