

# **WEST VIRGINIA LEGISLATURE**

## **2026 REGULAR SESSION**

**Introduced**

### **House Bill 5006**

By Delegates Funkhouser, Linville, and Ridenour

[Introduced January 30, 2026; referred to the

Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding a new article,  
2 designated §2-4-1 and §2-4-2, relating to clarifying secondary sources are not the law and  
3 public policy of West Virginia in certain instances; and permitting the use of certified  
4 questions on issues of first impression in certain circumstances.

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

**ARTICLE** **4.** **STATUTES.**

<b><u>§2-4-1.</u></b>	<b><u>Secondary</u></b>	<b><u>sources</u></b>	<b><u>not</u></b>	<b><u>controlling.</u></b>
1	<u>A secondary source, including a legal treatise, scholarly publication, textbook, or other</u>			
2	<u>explanatory text, does not constitute the law or public policy of this state and is only persuasive</u>			
3	<u>authority to the extent its adoption would create, eliminate, expand, or restrict a cause of action,</u>			
4	<u>right, or remedy, or to the extent it is inconsistent with, or in conflict with, or otherwise not</u>			
5	<u>addressed by, West Virginia law.</u>			

**§2-4-2. Certified question to Supreme Court of Appeals of West Virginia.**

1	<u>On a legal issue of first impression regarding the creation, elimination, expansion, or</u>
2	<u>restriction of a cause of action, right, or remedy, the circuit court may certify its question of law to</u>
3	<u>the Supreme Court of Appeals of West Virginia.</u>

NOTE: The purpose of this bill is to clarify that secondary sources are not the law and public policy of West Virginia in certain instances; and permitting the use of certified questions on issues of first impression in certain circumstances.

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