

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.

§2-4-1. Secondary sources not controlling.

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

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

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

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.