

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Introduced

House Bill 4590

By Delegates Heckert, Adkins, Browning,
Fehrenbacher, Green, G. Howell, Stephens, and G.

Ward

[Introduced January 20, 2026; referred to the
Committee on the Judiciary]

1 A BILL to amend and reenact §54-2-16a of the Code of West Virginia, 1931, as amended, relating
2 to awarding attorney's fees to prevailing party in eminent domain proceedings.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. PROCEDURE.

§54-2-16a. Liability for costs and attorney's fees generally.

1 (a) Except as otherwise specially provided, all costs of a condemnation proceeding in ~~the a~~
2 trial court shall be paid by the applicant.

3 (b) In every condemnation proceeding in an appellate court, costs shall be recovered in
4 such court by the party substantially prevailing.

5 (c) In every condemnation proceeding in a trial court, or an appellate court, a private
6 property owner that substantially prevails in such a proceeding may be awarded reasonable costs
7 and attorney's fees.

NOTE: The purpose of this bill is to permit a prevailing private property owner in an eminent domain proceeding to recover reasonable costs and attorney's fees.

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