

1 ENROLLED

2 COMMITTEE SUBSTITUTE

3 FOR

4 **H. B. 4220**

5
6 (By Delegates Staggers and Manchin)

7 [Passed March 8, 2014; in effect ninety days from passage.]

8
9
10 AN ACT to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §16-5C-21, relating
12 to requirements for agreements with nursing homes wherein a
13 person waives their rights to trials by jury on claims arising
14 from the nursing care of a nursing home resident; ensuring the
15 court is not bound to find all or part of the contract
16 enforceable, unenforceable, conscionable or unconscionable;
17 and applying this section to all agreements entered into on or
18 after January 1, 2015.

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

20 That the Code of West Virginia, 1931, as amended, be amended
21 by adding thereto a new section, designated §16-5C-21, to read as
22 follows:

23 **ARTICLE 5C. NURSING HOMES.**

24 **§16-5C-21. Jury trial waiver to be a separate document.**

1 (a) Every written agreement containing a waiver of a right to
2 a trial by jury that is entered into between a nursing home and a
3 person for the nursing care of a resident, must have as a separate
4 and stand alone document any waiver of a right to a trial by jury.

5 (b) Nothing in this section may be construed to require a
6 court of competent jurisdiction to determine that the entire
7 agreement or any portion thereof is enforceable, unenforceable,
8 conscionable or unconscionable.

9 (c) This section applies to all agreements entered into on or
10 after January 1, 2015.