

1 **ENROLLED**

2 **Senate Bill No. 3**

3 (BY SENATORS PALUMBO, LEONHARDT, BOLEY, FERNS, D. HALL, KARNES, MAYNARD, NOHE,  
4 SYPOLT, TRUMP, BLAIR, WILLIAMS, PLYMALE, KIRKENDOLL, STOLLINGS AND COLE (MR.  
5 PRESIDENT))

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7 [Passed January 29, 2015; in effect ninety days from passage.]  
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12 AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
13 designated §55-7-27, relating to liability of possessor of real property for harm to a  
14 trespasser.

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

16 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
17 section, designated §55-7-27, to read as follows:

18 **ARTICLE 7. ACTIONS FOR INJURIES.**

19 **§55-7-27. Liability of possessor of real property for harm to a trespasser.**

20 (a) A possessor of real property, including an owner, lessee or other lawful occupant, owes  
21 no duty of care to a trespasser except in those circumstances where a common-law right-of-action  
22 existed as of the effective date of this section, including the duty to refrain from willfully or wantonly  
23 causing the trespasser injury.

1           (b) A possessor of real property may use justifiable force to repel a criminal trespasser as  
2 provided by section twenty-two of this article.

3           (c) This section does not increase the liability of any possessor of real property and does not  
4 affect any immunities from or defenses to liability established by another section of this code or  
5 available at common law to which a possessor of real property may be entitled.

6           (d) The Legislature intends to codify and preserve the common law in West Virginia on the  
7 duties owed to trespassers by possessors of real property as of the effective date of this section.