

WEST VIRGINIA LEGISLATURE

2020 REGULAR SESSION

Introduced

House Bill 4039

BY DELEGATES HOWELL, BIBBY, J. JEFFRIES, WAXMAN,

J. KELLY AND CADLE

[Introduced January 08, 2020; Referred to the
Committee on Fire Departments and Emergency
Medical Services then the Judiciary.]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
2 designated §55-7-32, relating to providing limitations on nuisance actions against fire
3 department and emergency medical services fixed sirens under certain circumstances.

Be it enacted by the Legislature of West Virginia:

ARTICLE 7. ACTIONS FOR INJURIES.

**§55-7-32. Fire department and emergency medical services fixed sirens; limitations on
nuisance actions.**

1 (a) As used in this section, “fire department or emergency medical services fixed siren”
2 means a siren of a fire department or emergency medical services station that is installed at a
3 fixed location in close proximity to the station and is necessary for the effective operation of the
4 fire department or emergency medical services station.

5 (b) A person may not maintain a nuisance action for noise against a fire department or
6 emergency medical services station located in the vicinity of that person’s property for noise
7 generated by a fixed siren if the fire department or emergency medical services station siren was
8 installed prior to the date the person acquired the property.

9 (c) A person who owns property in the vicinity of a fire department or emergency medical
10 services station siren that was installed after the person acquired the property may maintain a
11 nuisance action for noise against that fire department or emergency medical services station only
12 if the action is brought within two years after the installation of the fire department or emergency
13 medical services siren.

NOTE: The purpose of this bill is to provide limitations on nuisance actions against fire department and emergency medical services fixed sirens under 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.