



Jim Justice
Governor of West Virginia

March 25, 2020

VIA HAND DELIVERY

The Honorable Mac Warner
Secretary of State
Building 1, Suite 157-K
State Capitol
Charleston, WV 25305

Re: Enrolled Committee Substitute for House Bill 4573

Dear Secretary Warner:

Pursuant to the provisions of Section fifty-one, Article VI of the Constitution of West Virginia, I hereby disapprove and return Enrolled Committee Substitute for House Bill 4573.

The bill as presented will impose a substantial barrier and delay to claimants who have suffered harm receiving settlement monies, even for small claims, and reduces administrative clarity for insurers and third parties. Additionally, the bill shifts onto a claimant the burden to prove by a preponderance of the evidence that the allocation agreed to by the parties is proper. This burden shifting onto the claimant will impede the settlement process by requiring claimants to bring legal action in order to obtain judicial approval of settlements that are rejected by DHHR, even where such claimants are not represented by legal counsel.

Because of the burdens placed on a claimant under the bill, and because of the delay in getting settlement monies to those who have been harmed that it is likely to result from enactment, I disapprove and return Enrolled Committee Substitute for House Bill 4573.

Sincerely,

Jim Justice
Governor

cc: The Honorable Mitch Carmichael
President of the Senate
The Honorable Roger Hanshaw
Speaker of the House of Delegates