

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

ENROLLED

Committee Substitute

for

House Bill 4050

BY DELEGATES SUMMERS AND HANSHAW (MR. SPEAKER)

[Passed March 11, 2022; in effect ninety days from passage.]

1 AN ACT to amend and reenact §19-18-1 of the Code of West Virginia, 1931, as amended, relating
2 to defining terms related to livestock trespassing.

Be it enacted by the Legislature of West Virginia:

ARTICLE 18. GENERAL STOCK LAW.

**§19-18-1. Livestock trespassing on property of another; damages for injuries to person or
property; notice to livestock owner; containment of livestock; costs for
containment.**

1 (a) If livestock enters the property of a landowner without that landowner's consent, the
2 owner of the livestock is liable for damages for personal injury or property damage in a civil action
3 in magistrate or circuit court.

4 (b) The landowner must attempt to contact the owner of the trespassing livestock within
5 48 hours of the trespass. If the owner cannot be contacted within 48 hours, the landowner shall
6 notify the county sheriff.

7 (c) The landowner may contain the trespassing livestock on his or her property, but is not
8 required to do so. If the landowner is able to contact the owner of the trespassing livestock
9 pursuant to subsection (a) of this section, he or she shall also inform the owner of the costs of
10 containment and shall allow the owner to retrieve the livestock.

11 (d) The owner of the trespassing livestock and the landowner shall attempt to mutually
12 agree upon a fair cost for any containment. A fair cost for containment is an amount which would
13 be allowed for the sheriff for containing similar livestock. If the negotiation fails, or if the landowner
14 is not otherwise reimbursed for the costs for containment, the landowner may seek monetary
15 damages in a civil action for these costs.

16 (e) "Livestock" is defined as an animal of the bovine, equine, porcine, ovine or caprine
17 specie, domestic poultry, peafowl, guineafowl, leporidae, camelid, emu, and captive cervid as
18 defined in §19-2H-2 of this code.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman, House Committee

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Chairman, Senate Committee

Originating in the House.

In effect ninety days from passage.

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Clerk of the House of Delegates

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Clerk of the Senate

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Speaker of the House of Delegates

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President of the Senate

The within this the.....
day of, 2022.

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Governor