

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Committee Substitute for

House Bill 4050

BY DELEGATES SUMMERS AND HANSHAW (MR. SPEAKER)

[Introduced January 12, 2022; referred to the
Committee on Agriculture and Natural Resources
then the Judiciary]

1 A BILL 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 and , leporidae, camelid, and emu.

NOTE: The purpose of this bill is to define the term "livestock."

Strike-throughs indicate language that would be stricken from a heading or the present law,
and underscoring indicates new language that would be added.