

WEST VIRGINIA LEGISLATURE

2022 REGULAR SESSION

Introduced

House Bill 4057

BY DELEGATE KEATON

[Introduced January 12, 2022; Referred to the
Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new article,
 2 designated §55-20-1, §55-20-2, and §55-20-3, relating to claims arising from
 3 manufacturing, limiting the liability of such firms to those acts of gross negligence or willful
 4 misconduct.

Be it enacted by the Legislature of West Virginia:

ARTICLE 20. JOBS & INDUSTRY LIABILITY PROTECTION ACT.

§55-20-1. Short title.

1 This article shall be known and cited as the Jobs & Industry Liability Protection Act.

§55-20-2. Definitions.

1 For purposes of this article the term:

2 “Manufacturing firm” means a business entity with employees, real property, and personal
 3 property engaged in business activities as defined by NAICS code 3110, 3120, 3150, 31560,
 4 3210, 3220, 3240, 3250, 3260, 3270, 3310, 3320, 3330, 3340, 3350, 3370, and 3390.

5 “Arising from the conduct of a manufacturing firm” means conduct including, but not limited
 6 to hiring, dismissal, production, purchasing of materials, transportation of materials and/or
 7 product, selling of product, purchase or sale of real estate or personal property, and other activities
 8 reasonably related to the conduct of business activities.

9 “Business activity” means and includes all purposeful revenue-generating activity
 10 engaged in or caused to be engaged in with the object of gain or economic benefit, either direct
 11 or indirect, and all activities of this state and its political subdivisions which involve the sale of
 12 tangible personal property or the rendering of service when such service activities compete with
 13 or may compete with the activities of another person, as also defined by §11-12-2 of this code.

§55-20-3. Liability of Manufacturing Firms.

1 (a) Notwithstanding any law to the contrary, there is no claim against any person for loss,
 2 damage, nuisance, injury, or death arising from the conduct of a manufacturing firm unless the
 3 claimant proves by clear and convincing evidence that the manufacturing firm proximately caused

4 the loss, damage, nuisance, injury, or death by an act or omission constituting gross negligence
5 or willful misconduct.

6 (b) Notwithstanding any law to the contrary, there shall be no claim against any person or
7 manufacturing firm for wrongful termination, discrimination, public nuisance, or private nuisance
8 arising from activities within the State of West Virginia related to manufacturing firm business
9 activity as defined by this article.

10 (c) The amount of punitive damages that may be awarded in a civil action against a
11 manufacturing firm may not exceed the greater of two times the amount of compensatory
12 damages or \$250,000, whichever is greater.

13 (d) Nothing in this section shall be construed to create a new cause of action or expand
14 any liability otherwise imposed, limit any defense, or affect the applicability of any law that affords
15 greater protections to defendants that are provided in this article.

NOTE: The purpose of this bill is to limit the liability of manufacturing firms to those acts of gross negligence or willful misconduct.

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