

HB 4527

2010 APR -1 PM 4: 23

WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2010



**ENROLLED**

**COMMITTEE SUBSTITUTE  
FOR  
House Bill No. 4527**

(By Delegates Morgan, C. Miller, Canterbury,  
Williams and Campbell)



Passed March 13, 2010

In Effect From Passage

# ENROLLED

FILED  
2010 APR -1 PM 4: 23

COMMITTEE SUBSTITUTE

FOR

OFFICE OF THE CLERK  
SECRETARY OF STATE

## H. B. 4527

(BY DELEGATES MORGAN, C. MILLER, CANTERBURY, WILLIAMS  
AND CAMPBELL)

[Passed March 13, 2010; in effect from passage.]

AN ACT to amend and reenact §19-13-4 of the Code of West Virginia, 1931, as amended, relating to limiting the liability of apiary owners and operators; requiring the Department of Agriculture to promulgate best practices rules; and authorizing emergency rulemaking power.

*Be it enacted by the Legislature of West Virginia:*

That §19-13-4 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

### ARTICLE 13. INSPECTION AND PROTECTION OF AGRICULTURE.

#### §19-13-4. Registration of bees; identification of apiaries; limitation on liability.

1 (a) All persons keeping bees in this state shall apply for  
2 a certificate of registration for bee keeping from the

3 commissioner, within ten days of the date that bees are  
4 acquired, by notifying the commissioner, in writing, of the  
5 number and location of colonies they own or rent, or which  
6 they keep for someone else, whether the bees are located on  
7 their own property or someone else's property. All apiary  
8 certificates of registration expire on December 31, of each  
9 year and must be renewed annually.

10 (b) All persons owning or operating an apiary which is  
11 not located on their own property must post the name and  
12 address of the owner or operator in a conspicuous place in the  
13 apiary.

14 (c) A person who:

15 (1) owns and operates an apiary;

16 (2) is registered with the Commissioner; and

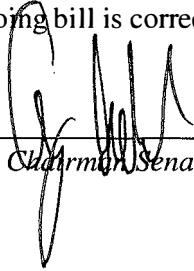
17 (3) operates the apiary in a reasonable manner and in  
18 conformance with the West Virginia Department of  
19 Agriculture's written best management practices provided by  
20 rule, is not liable for any personal injury or property damage  
21 that occurs in connection with the keeping and maintaining  
22 of bees, bee equipment, queen breeding equipment, apiaries  
23 and appliances. The limitation of liability established by this  
24 section does not apply to intentional tortious conduct or acts  
25 or omissions constituting gross negligence.

26 The limitation on liability in this subsection shall not take  
27 effect until legislative rules promulgated by the Commissioner  
28 of Agriculture are authorized by the Legislature. However, the  
29 Commissioner of Agriculture shall have the authority to  
30 promulgate emergency rules under this subsection.

31 (d) In order to effectuate the purposes of subsection (c),  
32 the Commissioner shall propose for promulgation, legislative

33 rules in accordance with article three, chapter twenty-nine-a  
34 of this code: *Provided*, That the initial promulgation may be  
35 by emergency rule. The rule shall include best management  
36 standards for the operation of apiaries. The limitation on  
37 liability contained in subsection (c) shall not take effect until  
38 legislative rules are promulgated in accordance with article  
39 three, chapter twenty-nine-a of this code.

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



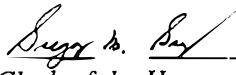
Chairman Senate Committee

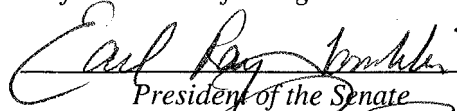
  
Chairman House Committee

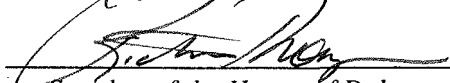
Originating in the House.

In effect from passage.

  
Clerk of the Senate

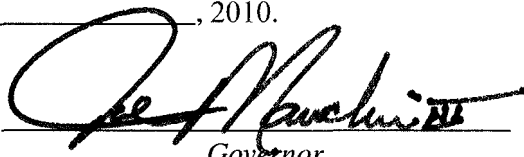
  
Clerk of the House of Delegates

  
President of the Senate

  
Speaker of the House of Delegates

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OFFICE OF THE CLERK OF THE SENATE  
GENERAL

The within is approved this the 18<sup>th</sup>  
day of April, 2010.

  
Governor

PRESENTED TO THE  
GOVERNOR

MAR 31 2010

Time 3:50 p