WEST VIRGINIA CODE CHAPTER 19 ARTICLE 18

WV Legislature

§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.

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

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

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

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

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

WV Legislature

§19-18-2. Unclaimed livestock; containment by sheriff; sheriff's sale at public auction.

(a) If the owner of trespassing livestock cannot be determined, or if the trespassing livestock has not been recovered within ten days of notifying the owner, the county sheriff shall take possession of the trespassing livestock.

(b) The county sheriff may return the livestock to its owner and seek reimbursement for containment costs. If attempts to return the livestock to the owner fail, the sheriff may, after publishing notice as a Class I legal advertisement, sell the livestock to the highest bidder at a public livestock auction.

(c) The proceeds of the livestock sale shall be distributed in the following order:

(1) Costs incident to the sale;

(2) Costs of containment incurred by the sheriff and the landowner;

(3) Any remaining amount to the owner of the trespassing livestock; and

(4) If the owner is unknown or does not claim the amount remaining within ninety days, that amount shall be deposited into the county treasury.

WV Legislature

§19-18-3. Criminal penalties for trespassing livestock.

(a) While livestock may escape enclosures due to accident or unforeseen circumstances, it is unlawful for the owner of livestock to negligently permit livestock to run at large and trespass on the property of other landowners.

(b) If livestock injures a person or destroys the property of another person while negligently trespassing, the owner of the livestock shall be given an oral or written warning for the first offense. For a second offense within six months of the first, the owner is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $50 nor more than $100. For a third or subsequent offense within six months of the second or subsequent offense, the owner is guilty of a misdemeanor and, upon conviction thereof, shall be fined not less than $100 nor more than $1,000.

WV Legislature

§19-18-4.

Repealed.

Acts, 2013 Reg. Sess., Ch. 124.

WV Legislature

§19-18-5.

Repealed.

Acts, 2013 Reg. Sess., Ch. 124.

WV Legislature

§19-18-6.

Repealed.

Acts, 2013 Reg. Sess., Ch. 124.

WV Legislature

§19-18-7.

Repealed.

Acts, 2013 Reg. Sess., Ch. 124.

WV Legislature

§19-18-8.

Repealed.

Acts, 2013 Reg. Sess., Ch. 124.

WV Legislature

§19-18-9.

Repealed.

Acts, 2013 Reg. Sess., Ch. 124.

WV Legislature

§19-18-10.

Repealed.

Acts, 2013 Reg. Sess., Ch. 124.

WV Legislature

§19-18-11.

Repealed.

Acts, 2013 Reg. Sess., Ch. 124.

WV Legislature

§19-18-12.

Repealed.

Acts, 2013 Reg. Sess., Ch. 124.

WV Legislature