WEST VIRGINIA CODE: §61-7C-4

§61-7C-4. Predicate exception limitation; construction.

(a) The predicate exception under the PLCAA may not be interpreted broadly. A claim may proceed only if the specifically cited statute was violated in the following manner:

(1) The statute explicitly regulates firearms or ammunition;

(2) The statute provides clear, concrete requirements that the manufacturer or seller failed to meet; and

(3) The violation of the statute was a proximate cause of the harm in question.

(b) General state consumer protection laws or public nuisance laws may not be considered statutes "applicable to the sale or marketing" of firearms or ammunition for the purposes of the predicate exception.

(c) The predicate exception may not be interpreted broadly to result in general consumer marketing statutes circumventing the PLCAA.

WV Legislature