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OFFICE OF WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 1993



ENROLLED

Com. Sub. For
HOUSE BILL No. 2270

(By Delegates *West Faircloth, Huffman
and Compton*)



Passed April 10, 1993

In Effect Ninety Days From Passage

ENROLLED
COMMITTEE SUBSTITUTE
FOR
H. B. 2270
(By DELEGATES VEST, FAIRCLOTH, HUFFMAN AND COMPTON)

[Passed April 10, 1993; in effect ninety days from passage.]

AN ACT to repeal section nine, article seventeen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended; and to amend and reenact section eight of said article, relating to abolishing the requirement that disputes between adjoining landowners concerning partition fences be settled by arbitration; permitting adjoining landowners to bring civil action to settle disputes between them concerning partition fences; and limiting liability of adjoining landowners for the cost of construction, repair or maintenance of a particular type of partition fence.

Be it enacted by the Legislature of West Virginia:

That section nine, article seventeen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be repealed; and that section eight of said article be amended and reenacted, to read as follows:

ARTICLE 17. FENCES.

§19-17-8. Disputes relating to partition fences.

- 1 If a dispute arises between the owners of adjoining
- 2 lands concerning the proportion or particular part of a
- 3 fence to be built or maintained by either of them, or the
- 4 amount to be paid by one party to the other for any fence

5 already built or maintained, either party may proceed
6 by civil action in a magistrate or circuit court, as shall
7 have jurisdiction of the amount or value in controversy,
8 within the county in which any portion of the partition
9 built or to be built, is or is to be located, to determine
10 the amount to be paid by one party to the other for the
11 just proportion of the costs of any construction, repair
12 or maintenance of the partition fence. The person who
13 is required to share in the cost of the construction,
14 repair or maintenance of the partition fence shall not be
15 liable for more than one half of the cost of the construc-
16 tion, repair or maintenance of a fence which meets the
17 standards of subdivision (e), section one of this article.

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

[Handwritten signature]
.....
Chairman Senate Committee

Ernest C. Moore
.....
Chairman House Committee

Originating in the House.

Takes effect ninety days from passage.

Harrell A. Nelson
.....
Clerk of the Senate

Donald L. Kopp
.....
Clerk of the House of Delegates

Keith Brudette
.....
President of the Senate

Paul Abner
.....
Speaker of the House of Delegates

The within is approved this the 6th day of May, 1993.

Upston Caperton
.....
Governor

PRESENTED TO THE

GOVERNOR

Date 4/29/93

Time 11:17am