WEST VIRGINIA LEGISLATURE
FIRST REGULAR SESSION, 2001

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ENROLLED

COMMITTEE SUBSTITUTE FOR
House Bill No. 2744

(By Delegates Williams, Stemple, Butcher and Boggs)

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Passed April 10, 2001

In Effect Ninety Days from Passage
ENROLLED

COMMITTEE SUBSTITUTE

FOR

H. B. 2744

(BY DELEGATES WILLIAMS, STEMPLE, BUTCHER AND BOGGS)

[Passed April 10, 2001; in effect ninety days from passage.]

AN ACT to amend article nineteen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section six, relating to liability for certain damage or destruction of a sylvicultural or agricultural field test crop and damages recoverable.

Be it enacted by the Legislature of West Virginia:

That article nineteen, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section six, to read as follows:

ARTICLE 19. PRESERVATION OF AGRICULTURAL PRODUCTION.

§19-19-6. Liability for damage or destruction of sylvicultural or agricultural field test crop; damages.
(a) Any person or legal entity who willfully and knowingly damages or destroys, or allows an instrumentality within his or her control to damage or destroy a sylvicultural or agricultural field test crop that is grown for personal purposes, commercial purposes, or for testing or research purposes in the context of a product development program in conjunction or coordination with a private research facility or a university or any federal, state or local government agency, shall be liable for twice the market value of the crop damaged or destroyed prior to damage or destruction, as determined by a court of competent jurisdiction, plus interest and reasonable court costs. Where the damaged or destroyed crops are grown for testing or research purposes, damages shall also include twice the actual damages relating to production, research, testing, replacement and crop development costs directly related to the crop that has been damaged or destroyed.

(b) The rights and remedies available under this section are in addition to any other rights or remedies otherwise available in law or statute.

(c) For the purpose of this section, the term “person” means an individual or any nongovernmental group, association, corporation or any other nongovernmental entity.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

[Signature]

Chairman House Committee

[Signature]

Originating in the House.

In effect ninety days from passage

Clerk of the Senate

[Signature]

Clerk of the House of Delegates

[Signature]

President of the Senate

[Signature]

Speaker of the House of Delegates

[Signature]

The within is approved this the 14th day of April, 2001.

Governor

[Signature]
PRESENTED TO THE
GOVERNOR

Date: 4/12/01
Time: 5:25 pm