

FILED

2014 MAR 28 P 5:04

OFFICE WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
SECOND REGULAR SESSION, 2014



**ENROLLED**

COMMITTEE SUBSTITUTE  
FOR

**House Bill No. 4220**

(By Delegates Staggers and Manchin)



Passed March 8, 2014

In effect ninety days from passage.

HB 4220

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**E N R O L L E D**

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FOR

**H. B. 4220**

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(BY DELEGATES STAGGERS AND MANCHIN)

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[Passed March 8, 2014; in effect ninety days from passage.]

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AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §16-5C-21, relating to requirements for agreements with nursing homes wherein a person waives their rights to trials by jury on claims arising from the nursing care of a nursing home resident; ensuring the court is not bound to find all or part of the contract enforceable, unenforceable, conscionable or unconscionable; and applying this section to all agreements entered into on or after January 1, 2015.

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

That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new section, designated §16-5C-21, to read as follows:

ARTICLE 5C. NURSING HOMES.


**§16-5C-21. Jury trial waiver to be a separate document.**

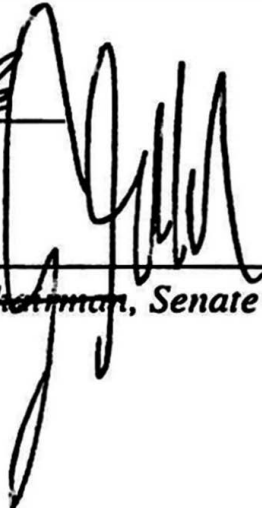
1 (a) Every written agreement containing a waiver of a right  
2 to a trial by jury that is entered into between a nursing home and  
3 a person for the nursing care of a resident, must have as a  
4 separate and stand alone document any waiver of a right to a trial  
5 by jury.

6 (b) Nothing in this section may be construed to require a  
7 court of competent jurisdiction to determine that the entire  
8 agreement or any portion thereof is enforceable, unenforceable,  
9 conscionable or unconscionable.

10 (c) This section applies to all agreements entered into on or  
11 after January 1, 2015.

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

  
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Chairman, House Committee

  
\_\_\_\_\_  
Member — Chairman, Senate Committee

Originating in the House.  
In effect ninety days from passage.

  
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Clerk of the House of Delegates

  
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Clerk of the Senate

  
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Speaker of the House of Delegates

  
\_\_\_\_\_  
President of the Senate

The within is approved this the 28th  
day of March, 2014.

  
\_\_\_\_\_  
Governor

**PRESENTED TO THE GOVERNOR**

MAR 28 2014

**Time** 10:45 am