

HB4527 S JUD AM #2

Ferro 7908

The Committee on the Judiciary moved to amend the bill by striking out everything after the enacting section and inserting in lieu thereof the following:

1 **ARTICLE 13. INSPECTION AND PROTECTION OF AGRICULTURE.**

2 **§19-13-4. Registration of bees; identification of apiaries;**
3 **limitation on liability.**

4 (a) All persons keeping bees in this state shall apply for a
5 certificate of registration for bee keeping from the commissioner,
6 within ten days of the date that bees are acquired, by notifying
7 the commissioner, in writing, of the number and location of
8 colonies they own or rent, or which they keep for someone else,
9 whether the bees are located on their own property or someone
10 else's property. All apiary certificates of registration expire on
11 December 31, of each year and must be renewed annually.

12 (b) All persons owning or operating an apiary which is not
13 located on their own property must post the name and address of the
14 owner or operator in a conspicuous place in the apiary.

15 (c) A person who:

16 (1) owns and operates an apiary;

17 (2) is registered with the Commissioner; and

18 (3) operates the apiary in a reasonable manner and in

1 conformance with the West Virginia Department of Agriculture's
2 written best management practices provided by rule, is not liable
3 for any personal injury or property damage that occurs in
4 connection with the keeping and maintaining of bees, bee equipment,
5 queen breeding equipment, apiaries and appliances. The limitation
6 of liability established by this section does not apply to
7 intentional tortious conduct or acts or omissions constituting
8 gross negligence.

9 The limitation on liability in this subsection shall not take
10 effect until legislative rules promulgated by the Commissioner of
11 Agriculture are authorized by the Legislature. However, the
12 Commissioner of Agriculture shall have the authority to promulgate
13 emergency rules under this subsection.

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Adopted

Rejected