WEST VIRGINIA CODE: §55-7-8a

§55-7-8a. Actions which survive; limitations; law governing such actions.

(a) In addition to the causes of action which survive at common law, causes of action for injuries to property, real or personal, injuries to the person and not resulting in death, deceit or fraud, or any violations of §46A-1-101 et. seq. of this code, also survive; and such actions may be brought notwithstanding the death of the person entitled to recover or the death of the person liable.

(b) If any action is begun during the lifetime of the injured party, and within the period of time permissible under the applicable statute of limitations as provided by §55-2-1 *et seq*. of this code and §55-2A-1 *et seq*. of this code, (either against the wrongdoer or his or her personal representative), and the injured party dies pending the action it may be revived in favor of the personal representative of the injured party and prosecuted to judgment and execution against the wrongdoer or personal representative.

(c) If the injured party dies before having begun an action and it is not at the time of his or her death barred by the applicable statute of limitations under the provisions of §55-2-1 *et seq*. of this code and §55-2A-1 *et seq*. of this code the action may be begun by the personal representative of the injured party against the wrongdoer or personal representative and prosecuted to judgment and execution against the wrongdoer or his or her personal representative. Any action shall be instituted within the same period of time that would have been applicable had the injured party not died.

(d) If an action mentioned in the subsections (a), (b) and/or (c) of this section have been begun against the wrongdoer and he or she dies during the pendency thereof, it may be revived against the personal representative of the wrongdoer and prosecuted to judgment and execution.

(e) The applicable provisions of §56-8-1 *et seq*. of this code govern the actions hereinabove mentioned, with reference to their abatement, revival, discontinuance, reinstatement, and substitution of parties.

(f) Nothing contained in this section shall be construed to extend the time within which an action for any other tort shall be brought, nor to give the right to assign a claim for a tort not otherwise assignable.

WV Legislature