

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1945



ENROLLED

*Committee Substitute for*  
HOUSE BILL No. 29

(By Mr. Davis)



PASSED July 22, 1945

In Effect 90 days from Passage

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*100*  
*1*

**ENROLLED**  
COMMITTEE SUBSTITUTE FOR  
**House Bill No. 29**

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(Originating in the House Committee on the Judiciary)

[Passed February 23, 1945; in effect ninety days from passage.]

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AN ACT to amend and reenact section eight, article seven, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, relating to the termination or abatement of action for injury upon the death of either party and providing for the survival of action against the personal representative of the wrongdoer.

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

That section eight, article seven, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, be amended and reenacted to read as follows:

Section 8. *When Action Not to Abate; Survival of Ac-*  
**2** *tion for Personal Injury Against Wrongdoer.*—Where an  
**3** action is brought by a person injured for damage caused

4 by the wrongful act, neglect or default of any person  
5 or corporation, and the person injured dies pending the  
6 action, the action shall not abate by reason of his death  
7 but, his death being suggested, it may be revived in the  
8 name of his personal representative, and the declaration  
9 and other pleadings shall be amended so as to conform  
10 to an action under sections five and six of this article,  
11 and the case proceeded with as if the action had been  
12 brought under said sections. But in such case there shall  
13 be but one recovery for the same injury. And any right  
14 of action which may hereafter accrue by reason of any  
15 injury done to the person of another, and not resulting  
16 in death, by the wrongful act, neglect or default of any  
17 person, shall survive the death of the wrongdoer and  
18 may be enforced against his executor or administrator,  
19 either by reviving against such personal representative  
20 a suit which may have been brought against the wrong-  
21 doer himself in his lifetime, or by bringing an original  
22 suit against his personal representative after his death,  
23 whether or not the death of the wrongdoer occurred  
24 before or after the death of the injured party. Nothing

3 [Enr. Com. Sub. for H. B. No. 29

25 contained in this section shall be construed to extend  
26 the time within which an action for any other tort  
27 shall be brought, nor to give the right to assign a claim  
28 for a tort not otherwise assignable.

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

*Charles C. Morris*

Chairman Senate Committee

*J. Lee Ingalls*

Chairman House Committee

Originated in the *Senate*

Takes effect *40 days from* passage.

*Thomas Meyer*

Clerk of the Senate

*J. Kliff*

Clerk of the House of Delegates

*Arnold M. Tucker*

President of the Senate

*John E. Cross*

Speaker House of Delegates

The within *approved* this the *2<sup>nd</sup>*

day of *March*, 1945.

*Robert Meadows*

Governor.



Filed in the office of the Secretary of State  
of West Virginia MAR 2 1945

Wm. S. O'BRIEN,  
Secretary of State