ENROLLED

Committee Substitute for

HOUSE BILL No. 29

(By Mr. Dorio)

PASSED July 22, 1945

In Effect 90 days from Passage
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 Action for Personal Injury Against Wrongdoer.—Where an action is brought by a person injured for damage caused
by the wrongful act, neglect or default of any person or corporation, and the person injured dies pending the action, the action shall not abate by reason of his death but, his death being suggested, it may be revived in the name of his personal representative, and the declaration and other pleadings shall be amended so as to conform to an action under sections five and six of this article, and the case proceeded with as if the action had been brought under said sections. But in such case there shall be but one recovery for the same injury. And any right of action which may hereafter accrue by reason of any injury done to the person of another, and not resulting in death, by the wrongful act, neglect or default of any person, shall survive the death of the wrongdoer and may be enforced against his executor or administrator, either by reviving against such personal representative a suit which may have been brought against the wrongdoer himself in his lifetime, or by bringing an original suit against his personal representative after his death, whether or not the death of the wrongdoer occurred before or after the death of the injured party. Nothing
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 O. Morris
Chairman Senate Committee

Chairman House Committee

Originated in the House

Takes effect 40 days from passage.

John B. Jones
Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 2nd day of March, 1945.

Glenn E. Meadow
Governor.

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

Wm. S. O'Brien,
Secretary of State