

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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ENROLLED
COMMITTEE SUBSTITUTE FOR
House Bill No. 29

(Originating in the House Committee on the Judiciary)

[Passed February 23, 1945; in effect ninety 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
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

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.

Enr. Com. Sub. for H. B. No. 29] 4

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 H. Meyer

Clerk of the Senate

J. Atchiff

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

2nd

day of

March

, 1945.

Blair Meadows

Governor.



Filed in the office of the Secretary of State
of West Virginia

MAR 2 1945

Wm. S. O'BRIEN,
Secretary of State