WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1949

ENROLLED

HOUSE BILL No. 401

(By Mr. Ely & Mr. Ballard)

(Monroe)

PASSED March 12, 1949

In Effect 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, as amended, relating to the termination or abatement of action for injury upon the death of either party, to survival of action for personal injury against wrongdoer and providing the limitation of time within which such actions shall be brought against the personal representative of such 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, as amended, be amended and reenacted to read as follows:

Section 8. When Action Not to Abate; Survival of Action for Personal Injury against Wrongdoer; Time within which Such Action must be Brought.—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 de-
fault 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 represent-
ative after his death, whether or not the death of the
wrongdoer occurred before or after the death of the in-
jured party; but any such action shall be instituted within
one year from the time such cause of action accrued.
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.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House of Delegates

Takes effect From passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within APPROVED this the 18th day of MARCH, 1949.

Filed in the Office of the Secretary Governor of West Virginia

D. Pitt O'Brien,
SECRETARY OF STATE