ENROLLED

House Bill No. 93
(By Mr. Brotherston and Mr. Whaley)

[Passed March 11, 1955; in effect ninety days from passage.]

AN ACT to amend and reenact section six, article seven, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to plaintiff, amount of damages, distribution of amount recovered and limitation on time in which action shall be commenced where death of a person is caused by wrongful act, neglect or default.

Be it enacted by the Legislature of West Virginia:

That section six, 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:

Sec. 6. Party Plaintiff in Such Action Damages; Distribution; Limitation.—Every such action shall be brought by and in the name of the personal representative of such deceased person, and the amount recovered in every such
action shall be distributed to the parties and in the pro-
portion provided by law in relation to the distribution of
personal estate, left by persons dying intestate. In every
such action the jury may give such damages as they shall
deem fair and just, not exceeding ten thousand dollars:
Provided, however, If the plaintiff in such action shall
prove by a preponderance of the evidence financial or
pecuniary loss sustained by a distributee or distributees
of such deceased person in an amount exceeding the sum
of ten thousand dollars the jury may give such damages
as shall equal such financial or pecuniary loss, not exceed-
ing twenty thousand dollars as the total of all damages
recoverable in such action, and the amount so recovered
shall not be subject to any debts or liabilities of the
deceased. Every such action shall be commenced within
two years after the death of such deceased person.
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 upon passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within approved this the 16 day of March 1953.

Governor

Filed in the Office of the Secretary of State

Secretary of State of West Virginia

M. Pitt O'Brien
SECRETARY OF STATE