

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1955



ENROLLED

HOUSE BILL No. 90

(By Mr. Anthony Whaley)



PASSED Nov 11 1955

In Effect 90 days from Passage

Filed in the Office of the Secretary of State
of West Virginia. MAR 17 1955
D. PITT O'BRIEN
SECRETARY OF STATE

ENROLLED

House Bill No. 93

(By MR. BROTHERTON 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

5 action shall be distributed to the parties and in the pro-
6 portion provided by law in relation to the distribution of
7 personal estate, left by persons dying intestate. In every
8 such action the jury may give such damages as they shall
9 deem fair and just, not exceeding ten thousand dollars:
10 *Provided, however,* If the plaintiff in such action shall
11 prove by a preponderance of the evidence financial or
12 pecuniary loss sustained by a distributee or distributees
13 of such deceased person in an amount exceeding the sum
14 of ten thousand dollars the jury may give such damages
15 as shall equal such financial or pecuniary loss, not exceed-
16 ing twenty thousand dollars as the total of all damages
17 recoverable in such action, and the amount so recovered
18 shall not be subject to any debts or liabilities of the
19 deceased. Every such action shall be commenced within
20 two years after the death of such deceased person.

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

[Signature]
Chairman Senate Committee

[Signature]
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

[Signature]
Clerk of the Senate

[Signature]
Clerk of the House of Delegates

[Signature]
President of the Senate

[Signature]
Speaker House of Delegates

The within approved this the 16
day of March 1953.

[Signature]
Governor



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SECRETARY OF STATE