

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1957



ENROLLED

HOUSE BILL No. 48

(By Miss Hallanow)



PASSED Feb 22, 1957

In Effect 90 days from Passage



# ENROLLED

COMMITTEE SUBSTITUTE FOR

## House Bill No. 48

[Passed February 22, 1957; in effect ninety days from passage.]

AN ACT to amend chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new article, designated article seven-a, relating to actions against parent or parents for malicious or wilful destruction of property by a minor under the age of eighteen years.

*Be it enacted by the Legislature of West Virginia:*

That chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new article, designated article seven-a, to read as follows:

### **Article 7-A. Liability of Parents.**

Section 1. *Findings and Declaration of Legislative Intent.*—It is hereby determined and declared as a matter of legislative finding that in the state of West Virginia there are now, and have been, acts of widespread vandal-

5 ism wilfully and maliciously perpetrated by children un-  
6 der the age of eighteen years, the great majority of whom  
7 live with a parent or parents; that this vandalism has  
8 caused untold loss and damage of property of public  
9 agencies, corporations and individuals for which adequate  
10 compensation for said victims cannot be realized because  
11 of the lack of estate or resources of such children so that  
12 judgments against them for their tortious acts would go  
13 unsatisfied; that the primary responsibility for the proper  
14 training, discipline and upbringing of said children rests  
15 with their parent or parents; that there has been a marked  
16 and shocking failure on the part of many parents to effect  
17 the proper and necessary training, discipline and upbringing  
18 of their children; that as a result of this parental negli-  
19 gence, much of said vandalism by said children has oc-  
20 curred, and that because of this failure of parental re-  
21 sponsibility, parents of children perpetrating such acts  
22 should be liable for the damages to property caused there-  
23 by. Therefore, it is the intent of the Legislature so to  
24 recognize said responsibility of parents for their children's  
25 conduct and to impose on said parent or parents for such

26 acts of their children who live with them and who com-  
27 mit acts of vandalism wilfully and maliciously liability  
28 in accordance with the provisions hereinafter set forth.

Sec. 2. *Parent Liability for Damages for Wilful or*  
2 *Malicious Destruction of Property by a Minor.*—The state  
3 of West Virginia, any municipal corporation, county,  
4 school board, or other political subdivision of the state,  
5 or any person or organization of any kind or character,  
6 shall be entitled to recover damages in an amount not  
7 to exceed three hundred dollars in any justice of the  
8 peace or other court of competent jurisdiction from the  
9 parent or parents of any minor under the age of eighteen  
10 years, living with the parent or parents, who shall ma-  
11 liciously or wilfully destroy property, real, personal or  
12 mixed, belonging to the state, any municipal corporation,  
13 county, school board, or other political subdivisions of  
14 the state, or any person or organization of any kind or  
15 character. The recovery hereunder shall be limited to  
16 the actual damages in addition to taxable court costs.  
17 The form of action hereunder shall be an action for a  
18 wrong in justice of the peace court and in trespass on

19 the case in other courts of competent jurisdiction: *Pro-*  
20 *vided, however,* That the right-of-action and remedy  
21 therefor granted herein shall be in addition to and not  
22 exclusive of any rights-of-action and remedies therefor  
23 against a parent or parents for the tortious acts of his  
24 or their children heretofore existing under the provisions  
25 of any law, statutory or otherwise, or now so existing  
26 independently of the provisions of this statute.

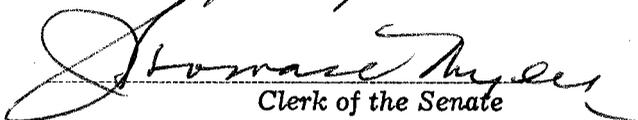
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

  
Chairman Senate Committee

  
Chairman House Committee

Originated in the House of Delegates

Takes effect 90 days 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 second day of March, 1957.

  
Governor



Filed in the Office of the Secretary of State  
MAR 2 - 1957  
of West Virginia

D. PITT O'BRIEN  
SECRETARY OF STATE