WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1957

ENROLLED

HOUSE BILL No. 48

(By Miss Hallanan)

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-
ism wilfully and maliciously perpetrated by children under the age of eighteen years, the great majority of whom live with a parent or parents; that this vandalism has caused untold loss and damage of property of public agencies, corporations and individuals for which adequate compensation for said victims cannot be realized because of the lack of estate or resources of such children so that judgments against them for their tortious acts would go unsatisfied; that the primary responsibility for the proper training, discipline and upbringing of said children rests with their parent or parents; that there has been a marked and shocking failure on the part of many parents to effect the proper and necessary training, discipline and upbringing of their children; that as a result of this parental negligence, much of said vandalism by said children has occurred, and that because of this failure of parental responsibility, parents of children perpetrating such acts should be liable for the damages to property caused thereby. Therefore, it is the intent of the Legislature so to recognize said responsibility of parents for their children's conduct and to impose on said parent or parents for such
acts of their children who live with them and who com-
mit acts of vandalism wilfully and maliciously liability
in accordance with the provisions hereinafter set forth.

Sec. 2. Parent Liability for Damages for Wilful or
Malicious Destruction of Property by a Minor.—The state
of West Virginia, any municipal corporation, county,
school board, or other political subdivision of the state,
or any person or organization of any kind or character,
shall be entitled to recover damages in an amount not
to exceed three hundred dollars in any justice of the
peace or other court of competent jurisdiction from the
parent or parents of any minor under the age of eighteen
years, living with the parent or parents, who shall ma-
liciously or wilfully destroy property, real, personal or
mixed, belonging to the state, any municipal corporation,
county, school board, or other political subdivisions of
the state, or any person or organization of any kind or
character. The recovery hereunder shall be limited to
the actual damages in addition to taxable court costs.
The form of action hereunder shall be an action for a
wrong in justice of the peace court and in trespass on
the case in other courts of competent jurisdiction: Provided, however, That the right-of-action and remedy therefor granted herein shall be in addition to and not exclusive of any rights-of-action and remedies therefor against a parent or parents for the tortious acts of his or their children heretofore existing under the provisions of any law, statutory or otherwise, or now so existing 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