

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1959

ENROLLED

HOUSE BILL No. 37

(By Mr. HARMON)

PASSED Feb 24 1959

In Effect 90 days from Passage



Filed in Office of the Secretary of State
of West Virginia **MAR 5 1959**
JOE F. BURDETT
SECRETARY OF STATE

ENROLLED
House Bill No. 37

(By MR. HARMON)

[Passed February 24, 1959; in effect ninety days from passage.]

AN ACT to amend and reenact section two, article seven-a, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to action against parent 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 section two, article seven-a, 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 2. Parent Liability for Damages for Wilful or
2 Malicious Destruction of Property by a Minor.—The
3 state 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 mali-
11 ciously or wilfully destroy property, real, personal or
12 mixed or who shall maliciously or wilfully set fire to
13 any forest or wooded area belonging to the state, any
14 municipal corporation, county, school board or other
15 political subdivision of the state, or any person or or-
16 ganization of any kind or character. The recovery here-
17 under shall be limited to the actual damages in addition
18 to taxable court costs. The form of action hereunder
19 shall be an action for a wrong in justice of the peace
20 court and in trespass on the case in other courts of compe-
21 tent jurisdiction: *Provided, however,* That the right of
22 action and remedy therefor granted herein shall be in
23 addition to and not exclusive of any rights of action and
24 remedies therefor against a parent or parents for the
25 tortious acts of his or their children heretofore existing
26 under the provisions of any law, statutory or otherwise,
27 or now so existing independently of the provisions of this
28 statute.

W. J. J. J. J.
Chairman Senate Committee

Originated in the House of Delegates

Takes effect 90 days from passage.

Horace M. ...
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Ralph Bean
President of the Senate

H. R. Paulsen
Speaker, House of Delegates

The within approved this the 5th

day of March, 1959.

1959.

[Signature]

Governor

