

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1965

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ENROLLED

Com. Sub. for

HOUSE BILL No. 581

(By *Mr. Dingemans in the Committee*
on the Judiciary)

—●—

PASSED March 12, 1965

In Effect Ninety days from Passage



FILED IN THE OFFICE OF
JOE F. BURNETT
SECRETARY OF STATE
THIS DATE 3-19-65

#581

ENROLLED
COMMITTEE SUBSTITUTE
FOR
House Bill No. 581
(Originating in the Committee on the Judiciary.)

[Passed March 12, 1965; 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 the recovery of damages in wrongful death actions.

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:

Article 7. Actions for Injuries.

Section 6. Party Plaintiff in Such Actions; Damages;

2 Distribution; Limitation.—Every such action shall be

3 brought by and in the name of the personal representative
4 of such deceased person, and the amount recovered in
5 every such action shall be recovered by said personal
6 representative and be distributed in accordance here-
7 with. In every such action the jury may award such
8 damages as they deem fair and just, not exceeding ten
9 thousand dollars, and the amount recovered shall be dis-
10 tributed to the parties and in the proportion provided by
11 law for the distribution of personal estate left by persons
12 dying intestate. In addition, the jury may award such
13 further damages, not exceeding the sum of one hundred
14 thousand dollars, as shall equal the financial or pecuniary
15 loss sustained by the dependent distributee or distributees
16 of such deceased person, and shall be distributed as
17 though part of the decedent's estate to decedent's de-
18 pendent distributees in the proportions provided by the
19 laws of descent and distribution.

20 In every such action and in addition to the damages
21 awarded pursuant to the foregoing provisions hereof, the
22 personal representative of the deceased shall be entitled
23 to recover the reasonable funeral expenses of such de-

24 ceased person and the reasonable hospital, medical and
25 other expenses incurred as a result of the wrongful act,
26 neglect or default of the defendant or defendants which
27 resulted in death.

28 In its verdict the jury shall set forth separately the
29 amount of damages, if any, awarded by it for reasonable
30 funeral, hospital, medical and said other expenses in-
31 curred as a result of the wrongful act, neglect or default
32 of the defendant or defendants which resulted in death,
33 and any such amount recovered for such expenses shall
34 be so expended by the personal representative.

35 Every such action shall be commenced within two years
36 after the death of such deceased person.

37 The provisions of this section shall not apply to actions
38 brought for the death of any person occurring prior to
39 the effective date hereof.

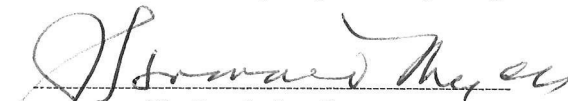
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

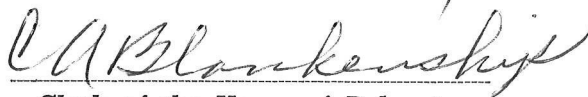

Chairman Senate Committee



Chairman House Committee


Originated in the House.

Takes effect ninety 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 19
day of March, 1965.


Governor

