WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1965

ENROLLED

HOUSE BILL No. 581

(By Originating in the Committee on the Judiciary)

PASSED March 12, 1965

In Effect Ninety days from Passage

# 581

FILED IN THE OFFICE OF
JOSEPH F. BURNETT
SECRETARY OF STATE
THIS DAY 9-19-65
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 seventy, 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

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

In every such action and in addition to the damages
awarded pursuant to the foregoing provisions hereof, the
personal representative of the deceased shall be entitled
to recover the reasonable funeral expenses of such de-
ceased person and the reasonable hospital, medical and
other expenses incurred as a result of the wrongful act,
neglect or default of the defendant or defendants which
resulted in death.

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

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

The provisions of this section shall not apply to actions
brought for the death of any person occurring prior to
the effective date hereof.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

O. Ray Parker  
Chairman Senate Committee

James L. Loop  
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J. Howard Meyers  
Clerk of the Senate

C. A. Blankenship  
Clerk of the House of Delegates

Howard Westover  
President of the Senate

W. Robau White  
Speaker House of Delegates

The within approved this the 19 day of March, 1965.

Nelius C. Fessenden  
Governor