WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1967

ENROLLED

HOUSE BILL No. 146

(By Mr. ______________)

PASSED March 10, 1967

In Effect ________ days from Passage

FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-21-67
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, authorizing a personal representative to maintain such an action even though he be appointed in another state, territory or district of the United States, or in any foreign country, requiring a bond of any personal representative so appointed and providing that the amount recovered in any such action, with certain exceptions, shall not be subject to any debts or liabilities of the deceased.

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.

§55-7-6. By whom action for wrongful death to be brought; amount and distribution of damages; period of limitation.

Every such action shall be brought by and in the name of the personal representative of such deceased person who has been duly appointed in this state, or in any other state, territory or district of the United States, or in any foreign country, and the amount recovered in every such action shall be recovered by said personal representative and be distributed in accordance here-with. Where the personal representative was duly appointed in another state, territory or district of the United States, or in any foreign country, such personal representative shall, before the action is heard, post bond, with a corporate surety thereon authorized to do business in this state, in a penal sum to be determined by the court, conditioned that such personal representative shall pay all costs adjudged against him and that he shall comply with the provisions of the third paragraph of this sec-
tion. 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 distributed 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 dependent 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 deceased 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 incurred 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. Except as provided in the preceding sentence, the amount recovered in accordance with the provisions of this section shall not be subject to any debts or liabilities of the deceased.

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.

William Tomper
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

J.F. Morrow, Speaker
Clerk of the Senate

C.A. Blankenship
Clerk of the House of Delegates

Howard J. Carson
President of the Senate

W. Jaban White
Speaker House of Delegates

The within approved this the 17th
day of March, 1967.

Hulet C. Smith
Governor
PRESENTED TO THE GOVERNOR

Date: 3/12/67
Time: 3:45 p.m.