

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1967



ENROLLED

HOUSE BILL No. 1146

(By Mr. Stephens)



PASSED March 10, 1967

In Effect Ninety days from Passage



FILED IN THE OFFICE
ROBERT D. BAILEY
SECRETARY OF STATE
THIS DATE 3-21-67

#1146

ENROLLED
House Bill No. 1146
(By MR. STEPTOE)

[Passed March 10, 1967; 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, 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.

1 Every such action shall be brought by and in the name
2 of the personal representative of such deceased person
3 who has been duly appointed in this state, or in any
4 other state, territory or district of the United States,
5 or in any foreign country, and the amount recovered
6 in every such action shall be recovered by said personal
7 representative and be distributed in accordance here-
8 with. Where the personal representative was duly ap-
9 pointed in another state, territory or district of the United
10 States, or in any foreign country, such personal repre-
11 sentative shall, before the action is heard, post bond, with
12 a corporate surety thereon authorized to do business in
13 this state, in a penal sum to be determined by the court,
14 conditioned that such personal representative shall pay
15 all costs adjudged against him and that he shall comply
16 with the provisions of the third paragraph of this sec-

17 tion. In every such action the jury may award such
18 damages as they deem fair and just, not exceeding ten
19 thousand dollars, and the amount recovered shall be
20 distributed to the parties and in the proportion pro-
21 vided by law for the distribution of personal estate left
22 by persons dying intestate. In addition, the jury may
23 award such further damages, not exceeding the sum of
24 one hundred thousand dollars, as shall equal the finan-
25 cial or pecuniary loss sustained by the dependent dis-
26 tributee or distributees of such deceased person, and shall
27 be distributed as though part of the decedent's estate
28 to decedent's dependent distributees in the proportions
29 provided by the laws of descent and distribution.

30 In every such action and in addition to the damages
31 awarded pursuant to the foregoing provisions hereof,
32 the personal representative of the deceased shall be en-
33 titled to recover the reasonable funeral expenses of such
34 deceased person and the reasonable hospital, medical
35 and other expenses incurred as a result of the wrongful
36 act, neglect or default of the defendant or defendants
37 which resulted in death.

38 In its verdict the jury shall set forth separately the
39 amount of damages, if any, awarded by it for reasonable
40 funeral, hospital, medical and said other expenses in-
41 curred as a result of the wrongful act, neglect or default
42 of the defendant or defendants which resulted in death,
43 and any such amount recovered for such expenses shall
44 be so expended by the personal representative. Except
45 as provided in the preceding sentence, the amount re-
46 covered in accordance with the provisions of this section
47 shall not be subject to any debts or liabilities of the de-
48 ceased.

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

51 The provisions of this section shall not apply to actions
52 brought for the death of any person occurring prior to the
53 effective date hereof.

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

William Tompkins
Chairman Senate Committee

Clayton C. Davidson
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

John W. Meyer
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

Howard W. Carson
President of the Senate

H. Leban White
Speaker House of Delegates

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

Stewart C. Smith
Governor



PRESENTED TO THE
GOVERNOR

Date 3/12/67
Time 3:45 P.M.