WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

ENROLLED
SENATE BILL NO. 538

(By Mr. Bratton, Mr. President)

PASSED March 7, 1974

In Effect ninety days from Passage

538 - Vet
ENROLLED

Senate Bill No. 538
(By Mr. Brotherston, Mr. President)

[Passed March 7, 1974; in effect ninety days from passage.]

AN ACT to amend and reenact section thirteen, article four, chapter fifty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to appeals from or writs of error or supersedeas to courts of record of limited jurisdiction; relating to the bond required for any such judicial review; and authorizing the waiver of such bond under certain circumstances.

Be it enacted by the Legislature of West Virginia:

That section thirteen, article four, chapter fifty-eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 4. APPEALS FROM COURTS OF RECORD OF LIMITED JURISDICTION.

§58-4-13. Appeal bonds; waiver.

1 Except when an appeal, writ of error or supersedeas is proper to protect the estate of a decedent, convict or insane person, the same shall not take effect until bond is given by the appellants or petitioners, or one of them, or some other person, in a penalty to be fixed by the court or judge by or in which the appeal, writ of error or supersedeas is allowed or entered, with condition as provided in section fourteen, article five of this chapter; and all the provisions of section fifteen of article five of this chapter, relating to indemnifying bonds and additional bonds, shall apply in the case of an appeal, writ of error or
Provided,
That notwithstanding the foregoing provisions of this section, the provisions of section twelve of this article or any other provisions of this code to the contrary, the circuit court or the judge thereof may waive the requirement of any such bond when (1) a supersedeas is not to be granted and (2) the appellants or petitioners are indigents or for any other reason costs or damages will not be awarded.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

In 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 disappeared) this the 26th
day of March, 1974.

Governor
PRESENTED TO THE GOVERNOR

Date 3/11/14
Time 3:50 p.m.