

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1974

ENROLLED

SENATE BILL NO. 538

(By Mr. Brotherton, Mr President)

PASSED March 7, 1974

In Effect ninety days from Passage



FILED IN THE OFFICE
EDGAR F. HEISKELL III
SECRETARY OF STATE
THIS DATE 3/29/74

538 - Veto

ENROLLED

Senate Bill No. 538

(By MR. BROTHERTON, 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
2 proper to protect the estate of a decedent, convict or
3 insane person, the same shall not take effect until bond is
4 given by the appellants or petitioners, or one of them, or
5 some other person, in a penalty to be fixed by the court or
6 judge by or in which the appeal, writ of error or super-
7 sedeas is allowed or entered, with condition as provided
8 in section fourteen, article five of this chapter; and all
9 the provisions of section fifteen of article five of this chap-
10 ter, relating to indemnifying bonds and additional bonds,
11 shall apply in the case of an appeal, writ of error or

12 supersedeas under the provisions of this article: *Provided*,
13 That notwithstanding the foregoing provisions of this
14 section, the provisions of section twelve of this article or
15 any other provisions of this code to the contrary, the
16 circuit court or the judge thereof may waive the require-
17 ment of any such bond when (1) a supersedeas is not to
18 be granted and (2) the appellants or petitioners are in-
19 digents or for any other reason costs or damages will not
20 be awarded.

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

H. Darrell Bailey

Chairman Senate Committee

Clarence M. Bruckner

Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

Howard W. Carson

Clerk of the Senate

C. A. Blankenship

Clerk of the House of Delegates

H. T. Brotherton, Jr.

President of the Senate

Lewis N. M. Mann

Speaker House of Delegates

The within disappeared this the 26th
day of March, 1974.

Arch A. Phares, Jr.
Governor

PRESENTED TO THE
GOVERNOR

Date 3/11/14

Time 3:50 p.m.