

MAR 30 10 31 AM '76

WEST VIRGINIA  
STATE

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1976

— ● —

# ENROLLED

HOUSE BILL No. 1573

(By Mr. Albright)

— ● —

PASSED March 13, 1976

In Effect ninety days from Passage



C 641

FILED IN THE OFFICE OF  
SECRETARY OF STATE OF  
WEST VIRGINIA

THIS DATE 3/30/76

**ENROLLED**

**H. B. 1573**

(By MR. ALBRIGHT)

[Passed March 13, 1976; in effect ninety days from passage.]

AN ACT to amend article seven, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section eleven-a, relating to actions for injuries; providing that a settlement or release of or statement with respect to a personal injury which is entered into, obtained or made within twenty days of such personal injury may be disavowed, in writing; relating to statement of disavowal and disposition of a copy thereof; and specifying circumstances under which such settlement, release or statement shall not be admissible in evidence.

*Be it enacted by the Legislature of West Virginia:*

That article seven, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section eleven-a, to read as follows:

**ARTICLE 7. ACTIONS FOR INJURIES.**

**§55-7-11a. Settlement, release or statement within twenty days after personal injury may be disavowed; effect and conditions of disavowal.**

1 If a person sustains a personal injury, no person shall  
2 within twenty days from the date of such personal injury  
3 while the injured person is either (a) an inpatient in any  
4 hospital or (b) partially or totally unable to engage in his  
5 or her usual trade, profession or occupation:

6 (1) Negotiate or attempt to negotiate a settlement of  
7 any claim for such personal injury with or for and on behalf  
8 of such injured person;

9 (2) Obtain or attempt to obtain from such injured per-  
10 son a partial or general release of liability for such injury; or

11 (3) Obtain or attempt to obtain any statement, either  
12 written or oral, from the injured person for use in negotiating  
13 a settlement or obtaining a partial or general release of  
14 liability with respect to such personal injury: *Provided*, That  
15 nothing herein shall prohibit a person acting or intending  
16 to act for and on behalf of such injured person from obtaining  
17 any statement, oral or written, from an injured person upon  
18 the express request of the injured person.

19 Nothing herein shall prevent a person who may be liable  
20 for damages on account of such personal injury from making  
21 an advance payment of all or any part of his liability for  
22 such damages; any sum paid during such twenty days by a  
23 person liable for damages on account of such personal injury  
24 shall be allowed as full credit against any damages which  
25 may be finally determined to be due an injured person.

26 Any settlement, release of liability or statement entered  
27 into, obtained or made in violation of this section may  
28 be disavowed by the injured person at any time within one  
29 hundred eighty days from the date of the personal injury by exe-  
30 cuting a written statement of disavowal and thereupon for-  
31 warding a copy of the same to the person violating the section,  
32 in which event such settlement, release or statement shall not be  
33 admissible in evidence for any purpose in any court or other  
34 proceeding relating to such personal injury, if any consideration  
35 paid for the settlement of or the general release of liability for  
36 such personal injury, at the time of the forwarding of the copy  
37 of such written statement of disavowal is repaid or returned  
38 to the person who paid such consideration.

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

*James L. Davis*

Chairman Senate Committee

*Dorcas C. Christensen 2<sup>nd</sup>*

Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

*J. McEllan, Jr.*

Clerk of the Senate

*C. Blankenship*

Clerk of the House of Delegates

*H. J. Baskin, Jr.*

President of the Senate

*Lewis R. McManus*

Speaker House of Delegates

The within *approved* this the *27th*  
day of *March*, 1976.

*Arthur A. Chase, Jr.*

Governor



PRESENTED TO THE  
GOVERNOR

Date 3/23/76

Time 3:10 p.m.