WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

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ENROLLED

HOUSE BILL No. 1573

(By Mr. Allright)

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PASSED March 13, 1976

In Effect ninety days from Passage

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/30/76
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.

If a person sustains a personal injury, no person shall within twenty days from the date of such personal injury while the injured person is either (a) an inpatient in any hospital or (b) partially or totally unable to engage in his or her usual trade, profession or occupation:
(1) Negotiate or attempt to negotiate a settlement of any claim for such personal injury with or for and on behalf of such injured person;

(2) Obtain or attempt to obtain from such injured person a partial or general release of liability for such injury; or

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

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

Any settlement, release of liability or statement entered into, obtained or made in violation of this section may be disavowed by the injured person at any time within one hundred eighty days from the date of the personal injury by executing a written statement of disavowal and thereupon forwarding a copy of the same to the person violating the section, in which event such settlement, release or statement shall not be admissible in evidence for any purpose in any court or other proceeding relating to such personal injury, if any consideration paid for the settlement of or the general release of liability for such personal injury, at the time of the forwarding of the copy of such written statement of disavowal is repaid or returned to the person who paid such consideration.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the House.
Takes 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 _______________________________________ this the 27th

day of _______________________________________, 1976.

Governor
PRESENTED TO THE
GOVERNOR

Date 3/23/76
Time 3:10 p.m.