WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1976

ENROLLED
SENATE BILL NO. 69

(By Mr. Huffman)

PASSED March 7, 1976

In Effect ninety days from Passage

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/12/76
AN ACT to amend and reenact section twenty, article twelve, chapter eight of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to enlargement of time period from thirty days to six months after accrual of injury to file notice of claim.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 12. GENERAL AND SPECIFIC POWERS, DUTIES AND ALLIED RELATIONS OF MUNICIPALITIES, GOV­ERNING BODIES AND MUNICIPAL OFFICERS AND EMPLOYEES; SUITS AGAINST MUNICIPALITIES.

§8-12-20. Notice to be given of claims for damages due to alleged negligence; waiting period.

1 Notwithstanding any other provision of this code or any charter provision to the contrary, no action shall be main­tained against any municipality for injury to any person or property or for wrongful death alleged to have been sustained by reason of the negligence of the municipality, or of any officer, agent or employee thereof, unless a written notice by the claimant, his agent, attorney or representative of the nature of the claim and of the time and place at which the injury is alleged to have occurred or been received shall have been filed with the mayor, clerk, recorder or municipal attorney within six months after such cause of action shall have accrued. The
cause of action shall be deemed to have accrued on the date of the sustaining of the injury, except that where death results therefrom the time for the personal representative to give notice shall run from the date of death. An action at law for damages for injury to any person or property or for wrongful death shall not be commenced until the expiration of thirty days after the filing of the notice provided for in this section. Substantial compliance with the notice provisions of this section shall be deemed sufficient compliance thereof.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

James L. Davis  
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 approved this the 16th day of March, 1976

Governor
PRESENTED TO THE
GOVERNOR

Date 3/12/76
Time 4:10 PM.