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OFFICE OF
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1976



ENROLLED

SENATE BILL NO. 69

(By Mr. Huffman)



PASSED March 7, 1976

In Effect ninty days from Passage

69

FILED IN THE OFFICE OF
SECRETARY OF STATE OF
WEST VIRGINIA

THIS DATE 3/17/76

ENROLLED
Senate Bill No. 66
(By MR. HUFFMAN)

[Passed March 9, 1976; in effect ninety days from passage.]

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
2 charter provision to the contrary, no action shall be main-
3 tained against any municipality for injury to any person
4 or property or for wrongful death alleged to have been
5 sustained by reason of the negligence of the municipality,
6 or of any officer, agent or employee thereof, unless a
7 written notice by the claimant, his agent, attorney
8 or representative of the nature of the claim and of the
9 time and place at which the injury is alleged to have
10 occurred or been received shall have been filed with the
11 mayor, clerk, recorder or municipal attorney within six
12 months after such cause of action shall have accrued. The

13 cause of action shall be deemed to have accrued on the
14 date of the sustaining of the injury, except that where
15 death results therefrom the time for the personal repre-
16 sentative to give notice shall run from the date of death.
17 An action at law for damages for injury to any person or
18 property or for wrongful death shall not be commenced
19 until the expiration of thirty days after the filing of the
20 notice provided for in this section.

21 Substantial compliance with the notice provisions of
22 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

James C. Christian
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

John D. Neenan Jr
Clerk of the Senate

Ch Blankenship
Clerk of the House of Delegates

W. T. Bratterton Jr
President of the Senate

Lewis H. M. Mans
Speaker House of Delegates

The within *approved* this the *16th*
day of *March*, 1976

Arva Shafer
Governor



PRESENTED TO THE
GOVERNOR

Date 3/12/76
Time 4:10 p.m.