

Veto 84

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1985

RECEIVED  
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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

ENROLLED

*Committee Substitute for*  
SENATE BILL NO. 84

(By Mr. Licken)

PASSED April 12 1985  
In Effect July 1, 1985 Passage



# **ENROLLED**

COMMITTEE SUBSTITUTE

FOR

## **Senate Bill No. 84**

(MR. TUCKER, *original sponsor*)

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(Originating in the Committee on the Judiciary.)

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[Passed April 12, 1985; to take effect July 1, 1985.]

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AN ACT to amend article five, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section sixteen; and to amend article seven, chapter fifty-five of said code, by adding thereto a new section, designated section seventeen, relating to damages in an action involving injury to motor vehicles generally; providing that presentation of repair bills shall be prima facie evidence of necessity and reasonableness of bills in magistrate court; and providing that a judgment for damages to a motor vehicle shall include compensation for temporary replacement costs, loss of use, and annoyance and inconvenience.

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

That article five, chapter fifty of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section sixteen; and that article seven, chapter fifty-five of said code be amend-

ed by adding thereto a new section, designated section seventeen, all to read as follows:

## **CHAPTER 50. MAGISTRATE COURTS.**

### **ARTICLE 5. TRIALS, HEARINGS AND APPEALS.**

#### **§50-5-16. Evidence of reasonableness of repairs to motor vehicles.**

1 In any action before a magistrate wherein a claim is  
2 made for injury to a motor vehicle, presentation to the  
3 court of repair bills, either paid or incurred, for the repair  
4 of the motor vehicle, shall be prima facie evidence that  
5 such bills so paid or incurred were necessary and reason-  
6 able. The magistrate may, on his own initiative, if the  
7 ends of justice require, continue the matter for a reason-  
8 able time and cause the person or persons who prepared  
9 the repair bills to be brought before the court to be ex-  
10 amined thereon.

## **CHAPTER 55. ACTIONS, SUITS AND ARBITRATION; JUDICIAL SALE.**

### **ARTICLE 7. ACTIONS FOR INJURIES.**

#### **§55-7-17. Damages for injury to a motor vehicle.**

1 When a person is entitled to a judgment for injury to a  
2 motor vehicle, the damages shall include, in addition to  
3 any other damages provided for by law, compensation  
4 for:  
5 (a) Temporary replacement costs;  
6 (b) Loss of use; and  
7 (c) Annoyance and inconvenience.

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

*Harold E. Brown*  
Chairman Senate Committee

*Floyd Fuller*  
Chairman House Committee

Originated in the Senate.

To take effect July 1, 1985.

*Isidore C. Hatcher*  
Clerk of the Senate

*Donald C. Kapp*  
Clerk of the House of Delegates

*Sam Tonhovich*  
President of the Senate

*Joseph P. Allright*  
Speaker House of Delegates

The within *disapproved* this the *2nd*  
day of *May*, 1985.

*Arthur A. Shaffer, Jr.*  
Governor

PRESENTED TO THE

GOVERNOR

Date 4/19/55

Time 2:57 p.m.