

Veto 1121

# WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1986

— ● —

## ENROLLED

Com. Sub. for  
HOUSE BILL No. 1121

(By ~~Mr.~~ Del Chambers & Del Humphreys)

— ● —

Passed March 8, 1986

In Effect July 1, 1986 ~~Passage~~

**ENROLLED**  
**COMMITTEE SUBSTITUTE**  
**FOR**  
**H. B. 1121**  
**(By DELEGATE CHAMBERS and DELEGATE HUMPHREYS)**

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[Passed March 8, 1986; in effect July 1, 1986.]

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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, providing that presentation of repair bills shall be prima facie evidence of necessity and reasonableness of bills in magistrate court.

*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, to read as follows:

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

**§59-5-16. 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, towing fees and storage fees, either  
4 paid or incurred, directly associated with the repair of  
5 a motor vehicle, shall be prima facie evidence that such  
6 bill so paid or incurred were necessary and reasonable.  
7 The magistrate may, on his own initiative, if the ends

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8 of justice require, continue the matter for a reasonable  
9 time and cause the person or persons who prepared the  
10 repair bills, towing fees and storage fees to be brought  
11 before the court to be examined thereon.

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

Bruce O. Williams  
Chairman Senate Committee

Floyd Fuller  
Chairman House Committee

Originating in the House.

Takes effect July 1, 1986.

John C. Stiller  
Clerk of the Senate

Donald L. Koop  
Clerk of the House of Delegates

Don Tonkovich  
President of the Senate

Joseph P. Allright  
Speaker of the House of Delegates

The within disapproved this the 26th  
day of March, 1986.

Archie D. French, Jr.  
Governor

PRESENTED TO THE

GOVERNOR

Date

3/21/86

Time

4:37 p.m.

RECEIVED

1036 MAR 29 PM 3 01

SECRETARY OF STATE

FILED IN THE OFFICE OF  
SECRETARY OF COMMERCE  
WEST VIRGINIA

THIS DATE 3/26/86