WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1989

ENROLLED

SENATE BILL NO. 444

(By Senator Chafin)

PASSED April 8, 1989
In Effect 90 days from Passage
AN ACT to amend and reenact section eight, article seven, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to providing that a pending action based upon a personal injury does not abate or change in substance when the injured person dies as a result of such injury; and providing that another action may also be prosecuted for wrongful death.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE 7. ACTIONS FOR INJURIES.
§55-7-8. Personal injury action where injuries result in death.

1 Where an action is brought by a person injured for 2 damage caused by the wrongful act, neglect or default 3 of any person or corporation, and the person injured 4 dies as a result thereof, the action shall not abate by 5 reason of his or her death but, his or her death being 6 suggested, it may be revived in the name of his or her
7 personal representative, and the complaint shall be
8 amended so as to conform to an action under sections
9 five and six of this article, and the case proceeded with
10 as if the action had been brought under said sections.
11 Additionally a separate and distinct cause of action
12 may be brought, and if brought, shall be joined in the
13 same proceeding for damages incurred between the
14 time of injury and death where not otherwise pro-
15 vided for in said sections five and six. In either case
16 there shall be but one recovery for each element of
17 damages: Provided, That nothing in this section shall
18 be construed in derogation of the provisions of section
19 twelve of this article.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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 is approved this the 27th day of April, 1989.

Governor