

No. 444

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OFFICE OF WEST VIRGINIA  
SECRETARY OF STATE

**WEST VIRGINIA LEGISLATURE**  
**REGULAR SESSION, 1989**

—•—  
**ENROLLED**

**SENATE BILL NO. 444**

(By Senator Chafin)

—•—  
**PASSED April 8, 1989**  
**In Effect 90 days from Passage**

**ENROLLED**  
**Senate Bill No. 444**  
(BY SENATOR CHAFIN)

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[Passed April 8, 1989; in effect ninety days from passage.]

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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:

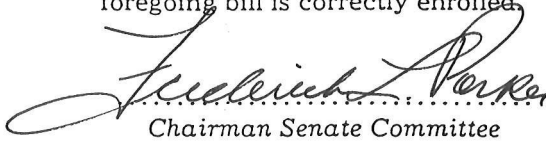
**ARTICLE 7. ACTIONS FOR INJURIES.**

**§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

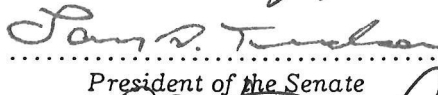
  
Chairman House Committee

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

PRESENTED TO THE

GOVERNOR

Date 4/24/89

Time 2:42