

HB 4120

FILED

2008 MAR 27 AM 11:06

SECRETARY OF STATE CD

WEST VIRGINIA LEGISLATURE
SECOND REGULAR SESSION, 2008

ENROLLED

COMMITTEE SUBSTITUTE
FOR
House Bill No. 4120

(By Delegates Webster, Brown, Shook, Hamilton,
Azinger, Fleischauer, Miley, Mahan and Proudfoot)

Passed March 6, 2008

In Effect Ninety Days from Passage

E N R O L L E D

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FOR

H. B. 4120

SECRETARY OF STATE

(BY DELEGATES WEBSTER, BROWN, SHOOK, HAMILTON,
AZINGER, FLEISCHAUER, MILEY, MAHAN AND PROUDFOOT)

[Passed March 6, 2008; in effect ninety days from passage.]

AN ACT to amend of the Code of West Virginia, 1931, as amended,
by adding thereto a new section, designated §55-7-25, relating
to prohibiting inclusion of specific dollar amounts or figures
related to damages in complaints for personal injury or
wrongful death actions.

Be it enacted by the Legislature of West Virginia:

That the Code of West Virginia, 1931, as amended, be amended
by adding thereto a new section, designated §55-7-25, to read as
follows:

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

ARTICLE 7. ACTIONS FOR INJURIES.

§55-7-25. Personal injury and wrongful death actions; complaint; specific amount of damages not to be stated.

1 In any action to recover damages for personal injury or
2 wrongful death, no specific dollar amount or figure relating
3 to damages being sought may be included in the complaint.
4 However, the complaint may include a statement reciting that
5 the amount in controversy satisfies the minimum
6 jurisdictional amount established for filing the action.
7 Further, and pursuant to the West Virginia Rules of Civil
8 Procedure pertaining to discovery, any party defendant may
9 at any time request a written statement setting forth the nature
10 and amount of damages sought. The request shall be served
11 upon the plaintiff who shall serve a responsive statement as
12 to the nature and amount of damages sought within thirty
13 days thereafter. If no response is served within thirty days
14 after receipt of service by the plaintiff, the party defendant
15 requesting the statement may petition the court in which the
16 action is pending to order the plaintiff to serve a responsive
17 statement upon the requesting party defendant. This section
18 applies only to complaints filed on or after the first day of
19 July, two thousand eight.

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

Candy White
 Chairman Senate Committee

[Signature]
 Chairman House Committee

Originating in the House.

In effect ninety days from passage.

Darrell Holme
 Clerk of the Senate

Gregg M. Day
 Clerk of the House of Delegates

Carl Ray Tomblin
 President of the Senate

[Signature]
 Speaker of the House of Delegates

The within is approved this the 27th
 day of March, 2008.

[Signature]
 Governor

PRESENTED TO THE
GOVERNOR

MAR 17 2008

Time

9:35 AM