

1 **H. B. 3244**

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3 (By Delegates Hamilton, Azinger, Romine and Evans)
4 [Introduced February 21, 2011; referred to the
5 Committee on the Judiciary.]
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10 A BILL to amend the Code of West Virginia, 1931, as amended, by
11 adding thereto a new section, designated §55-7-26, relating to
12 limiting the amount recoverable in lawsuits seeking damages
13 for injury or death or property damage to the amount of
14 insurance available to the tortfeasor.

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

16 That the Code of West Virginia, 1931, as amended, be amended
17 by adding thereto a new section, designated §55-7-26, to read as
18 follows:

19 **ARTICLE 7. ACTIONS FOR INJURIES.**

20 **§55-7-26. Limiting liability of a tortfeasor to the amount of**
21 **insurance coverage.**

22 Notwithstanding any other provision in this code to the
23 contrary, the amount recoverable by a plaintiff for personal
24 injury, wrongful death or damages to property, financial liability
25 of any tortfeasor is limited to the amount of insurance carried by
26 that person.

NOTE: The purpose of this bill is to limit the amount recoverable in lawsuits seeking damages for injury or death or property damage to the amount of insurance available to the tortfeasor.

This section is new; therefore, it has been completely underscored.