

Senate Bill No. 215

(By Senators Carmichael and Blair)

[Introduced February 19, 2013; referred to the Committee on the
Judiciary.]

A BILL to amend the Code of West Virginia, 1931, as amended, by
adding thereto a new section, designated §55-7-27, relating to
limiting the amount of punitive damages recoverable in a
personal injury or wrongful death action.

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 §55-7-27, to read as
follows:

ARTICLE 7. ACTIONS FOR INJURIES.

55-7-27. Limits on punitive damages.

(a) In an action to recover damages for personal injury or
wrongful death, the maximum amount recoverable as punitive damages
may not exceed \$500,000, or two times the plaintiff's compensatory

1 damages award, whichever is less.

2 (b) For purposes of this section, "punitive damages" means
3 noncompensatory damages awarded against a party in a personal
4 injury or wrongful death action to penalize that party or to
5 provide a deterrence to discourage similar conduct by that party in
6 the future.

7 (c) Nothing in this section may be construed to create a claim
8 for punitive damages not existing in this code at the time of
9 enactment of this section.

NOTE: The purpose of this bill is to place limits on the amount of punitive damages that may be awarded in a personal injury or wrongful death action.

This article is new; therefore, strike-throughs and underscoring have been omitted.