

Senate Bill No. 293

(By Senators Carmichael and Jenkins)

[Introduced January 8, 2014; referred to the
Committee on the Judiciary.]

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

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

15 That the Code of West Virginia, 1931, as amended, be amended
16 by adding thereto a new section, designated §55-7-27, to read as
17 follows:

18 **ARTICLE 7. ACTIONS FOR INJURIES.**

19 **§55-7-27. Limits on punitive damages.**

20 (a) In an action to recover damages for personal injury or
21 wrongful death, the maximum amount recoverable as punitive damages
22 may not exceed \$500,000, or two times the plaintiff's compensatory
23 damages award, whichever is less.

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

6 (c) Nothing in this section may be construed to create a claim
7 for punitive damages not existing in this code at the time of
8 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 section is new; therefore, strike-throughs and underscoring have been omitted.