

1 **Senate Bill No. 101**

2 (By Senators Carmichael and Gaunch)

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4 [Introduced January 14, 2015; referred to the Committee on the Judiciary.]
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9 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
10 designated §55-7-27, relating to limiting amount of punitive damages recoverable in personal
11 injury or wrongful death action.

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

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

15 **ARTICLE 7. ACTIONS FOR INJURIES.**

16 **§55-7-27. Limits on punitive damages.**

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

20 (b) For purposes of this section, "punitive damages" means noncompensatory damages
21 awarded against a party in a personal injury or wrongful death action to penalize that party or to

- 1 provide a deterrence to discourage similar conduct by that party in the future.
- 2 (c) Nothing in this section may be construed to create a claim for punitive damages not
- 3 existing in this code at the time of 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.