

HB2002 CC #1 2-19

90 days

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Senator Trump, from the committee of conference on matters of disagreement between the two houses, as to

**Eng. Com. Sub. for House Bill No. 2002**, Predicating actions for damages upon principles of comparative fault.

Submitted the following report, which was received:

Your committee of conference on the disagreeing votes of the two houses as to the amendments of the Senate to Engrossed Committee Substitute for House Bill No. 2002 having met, after full and free conference, have agreed to recommend and do recommend to their respective houses, as follows:

That the House of Delegates agree to the amendment of the Senate to the bill striking out everything after the enacting clause.

And,

That both houses agree to the following amendments to the Senate amendment as follows:

On page three, section thirteen-c, line two, by striking out the words "equal to or";

On page six, section thirteen-d, line eight, after the word "act" by changing the period to a colon and inserting the following proviso: *Provided*, That the plaintiff has been convicted of such felony, or if deceased, the jury makes a finding that the decedent committed such felony.;

And,

That both houses recede from their respective positions as to the title of the bill and agree to

the same as follows:

**Eng. Com. Sub. for House Bill No. 2002** - A BILL to repeal §55-7-13 and §55-7-24 of the Code of West Virginia, 1931, as amended; and to amend said code by adding thereto four new sections, designated §55-7-13a, §55-7-13b, §55-7-13c and §55-7-13d, all generally relating to predicating actions for damages upon principles of comparative fault; establishing the comparative fault standard; abolishing joint liability and implementing several liability; establishing how to consider the fault of parties and nonparties to a civil action; establishing how to consider the fault of, and the amounts paid by, settling parties; establishing how to reallocate any portion of a judgment a plaintiff is unable to collect; providing for the use of special interrogatories; establishing certain exceptions to several liability; clarifying fault may be imputed to another person who was acting as an agent or servant of another; establishing limits on liability where a plaintiff is involved in a felony criminal act; providing for the burden of proof and limitations; and defining terms.

Respectfully submitted,

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Senator Charles S. Trump,  
*Chair,*

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Delegate John Shott,  
*Chair,*

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Senator Mitch Carmichael

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Delegate John McCuskey

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Senator Corey Palumbo  
*Conferees on the part  
of the Senate.*

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Delegate Dana Lynch  
*Conferees on the part  
of the House of Delegates.*