

WEST VIRGINIA LEGISLATURE
EIGHTY-SECOND LEGISLATURE
REGULAR SESSION, 2015



ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 421

(SENATORS TRUMP, CARMICHAEL,
BLAIR AND GAUNCH, *ORIGINAL SPONSORS*)

[PASSED MARCH 10, 2015; IN EFFECT NINETY DAYS FROM PASSAGE.]

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Senate Bill No. 421

(SENATORS TRUMP, CARMICHAEL,
BLAIR AND GAUNCH, *ORIGINAL SPONSORS*)

[Passed March 10, 2015; in effect ninety days from passage.]

AN ACT to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section, designated §55-7-27, relating generally to treatment of punitive damages in civil actions; providing for limitations on punitive damages in civil actions; providing for when punitive damages may be awarded in civil actions; and providing for a bifurcated trial, upon request, for civil actions involving punitive damages.

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. Limitations on punitive damages.

1 (a) An award of punitive damages may only occur in a
2 civil action against a defendant if a plaintiff establishes by
3 clear and convincing evidence that the damages suffered were
4 the result of the conduct that was carried out by the defendant
5 with actual malice toward the plaintiff or a conscious,
6 reckless and outrageous indifference to the health, safety and
7 welfare of others.

8 (b) Any civil action tried before a jury involving
9 punitive damages may, upon request of any defendant, be
10 conducted in a bifurcated trial in accordance with the
11 following guidelines:

12 (1) In the first stage of a bifurcated trial, the jury shall
13 determine liability for compensatory damages and the amount
14 of compensatory damages, if any.

15 (2) If the jury finds during the first stage of a bifurcated
16 trial that a defendant is liable for compensatory damages,
17 then the court shall determine whether sufficient evidence
18 exists to proceed with a consideration of punitive damages.

19 (3) If the court finds that sufficient evidence exists to
20 proceed with a consideration of punitive damages, the same
21 jury shall determine if a defendant is liable for punitive
22 damages in the second stage of a bifurcated trial and may
23 award such damages.

24 (4) If the jury returns an award for punitive damages that
25 exceeds the amounts allowed under subsection (c) of this
26 section, the court shall reduce any such award to comply with
27 the limitations set forth therein.

28 (c) The amount of punitive damages that may be
29 awarded in a civil action may not exceed the greater of four
30 times the amount of compensatory damages or \$500,000,
31 whichever is greater.

The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

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Chairman Senate Committee

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Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

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Clerk of the Senate

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Clerk of the House of Delegates

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President of the Senate

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Speaker of the House of Delegates

The within this the

Day of, 2015.

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Governor