WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

House Bill 4973

By Delegates Hott, Westfall, Petitto, Fehrenbacher, Jeffries, W. Hall, Hite, and Burkhammer

[Introduced January 22, 2024; Referred to the Committee on the Judiciary]

A BILL to amend and reenact §23-4-2a of the Code of West Virginia, 1931, as amended, relating to reducing the maximum amount recoverable as compensatory damages for noneconomic loss in workers' compensation death and disability benefits.

Be it enacted by the Legislature of West Virginia:

ARTICLE 4. DISABILITY AND DEATH BENEFITS.

§23-4-2a. Limit on liability for noneconomic loss.

(a) In any action brought pursuant to this article, the maximum amount recoverable as compensatory damages for noneconomic loss may not exceed the ~~higher~~ lower of two times the economic damages before offset or $500,000 for each person, regardless of the number of plaintiffs or the number of defendants or, in the case of wrongful death, regardless of the number of distributees.

(b) On January 1, 2024, and in each year thereafter, the limitation for compensatory damages contained in subsection (a) of this section shall increase to account for inflation by an amount equal to the Consumer Price Index published by the United States Department of Labor, not to exceed 150 percent of the amounts specified in said subsections.

(c) This section shall become effective for causes of action accruing on or after July 1, ~~2023~~ 2024.

NOTE: The purpose of this bill is to reduce the maximum amount recoverable as compensatory damages for noneconomic loss in workers' compensation death and disability benefits.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.