

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]

1 A BILL to amend and reenact §23-4-2a of the Code of West Virginia, 1931, as amended, relating to
 2 reducing the maximum amount recoverable as compensatory damages for noneconomic
 3 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.

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

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

10 (c) This section shall become effective for causes of action accruing on or after July 1,
 11 ~~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.