

WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1974

— ● —

ENROLLED

HOUSE BILL No. 1115

(By Mr. Paterno)

— ● —

PASSED March 9 1974

In Effect 90 days Passage



1115

FILED IN THE OFFICE
OF CLERK OF HOUSE
SECRETARY OF STATE
THIS DATE 3-20-74

ENROLLED

H. B. 1115

(By MR. PATERNO)

[Passed March 9, 1974; in effect ninety days from passage.]

AN ACT to amend and reenact section one, article three, chapter two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to legal capacity; and relating to earlier termination of child support under a decree or order of divorce or separate maintenance or order in any nonsupport or bastardy proceeding.

Be it enacted by the Legislature of West Virginia:

That section one, article three, chapter two of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended and reenacted to read as follows:

ARTICLE 3. LEGAL CAPACITY.

§2-3-1. Legal capacity; saving provisions.

1 On and after June nine, one thousand nine hundred
2 seventy-two, except as otherwise specifically provided in
3 this code, no person who is eighteen years of age or older
4 shall lack legal capacity, by reason of his age, to enter into
5 contracts, sell or purchase real or personal property, create
6 a lien, execute any legal or other written instrument, prosecute
7 or defend legal actions, assert claims or deal in his own
8 affairs in any manner whatsoever.

9 The provisions of this section, and the provisions of chapter
10 sixty-one, acts of the Legislature, regular session, one thousand
11 nine hundred seventy-two, reducing various prescribed age

12 requirements to eighteen years of age, shall not, however,
13 by operation of law affect any rights, duties, obligations or
14 interests accruing or vesting by virtue of any statute, act,
15 event, transaction, order, judgment or decree prior to June
16 nine, one thousand nine hundred seventy-two, or any cause
17 of action which arose or any civil action or claim instituted
18 or asserted prior to such date, and any such right, duty,
19 obligation, interest, cause of action, civil action or claim
20 may be enforced, exercised, enjoyed, terminated, discharged,
21 consummated, prosecuted, maintained or asserted with like
22 effect as if said chapter sixty-one had not been enacted:
23 *Provided*, That any person who has attained the age of
24 eighteen years shall have full power and authority to exercise
25 any and all of the rights, privileges and powers granted to
26 him in the first paragraph of this section with respect to
27 any legal or equitable interest acquired by or which vested
28 in such person before he became eighteen years of age:
29 *Provided, however*, That under no circumstances whatever shall
30 any of the changes made by said chapter sixty-one have
31 any effect upon any of the terms or provisions of or any
32 conditions imposed by any last will and testament, trust
33 agreement or any other written instrument of any kind or
34 character executed prior to such date of June nine, one
35 thousand nine hundred seventy-two: *Provided further*, That
36 any order or mandate providing for payment of child support
37 for any person up to the age of twenty-one years contained
38 in any decree or order of divorce or separate maintenance
39 or in any order in any nonsupport or bastardy proceeding,
40 which decree or order was entered prior to June nine, one
41 thousand nine hundred seventy-two, may by order of the
42 court be terminated as to such person upon such person
43 attaining the age of eighteen years. Moreover, the provisions
44 of this section shall not affect any acts performed or trans-
45 actions entered into by a person under the age of twenty-one
46 years prior to June nine, one thousand nine hundred seventy-
47 two. No change in the general age of legal capacity or in
48 the definitions of the words "under disability," "infant" or
49 "minor" contained in section ten, article two of this chapter
50 shall alter any statute of limitations as to causes of action
51 arising before such date of June nine, one thousand nine
52 hundred seventy-two.

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

H. Daniel Darby
Chairman Senate Committee

Clarence C. Chustea Jr.
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Howard W. Carson
Clerk of the Senate

C. A. Blankenship
Clerk of the House of Delegates

H. T. Brotherton, Jr.
President of the Senate

Lewis M. M. Manner
Speaker House of Delegates

The within approved this the 19th
day of March, 1974.

Arch A. Moore Jr.
Governor



PRESENTED TO THE
GOVERNOR

Date 3/18/74
Time 3:05 p.m.