

APPROVED AND SIGNED BY THE GOVERNOR

Date 4-24-81

Time _____

No: 846
9778:014

WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1981



ENROLLED

HOUSE BILL No. 846

(By Mr. Tucker)



Passed April 6, 1981

In Effect Ninety Days From Passage



ENROLLED

H. B. 846

(By MR. TUCKER)

[Passed April 6, 1981; in effect ninety days from passage.]

AN ACT to amend and reenact section twenty-one, article two, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to tolling of statutes of limitation on claims assertable by counterclaim, cross-claim, and third party complaint.

Be it enacted by the Legislature of West Virginia:

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

ARTICLE TWO. LIMITATION OF ACTIONS AND SUITS.

§55-2-21. Statutes of limitation tolled on claims assertable in civil actions when actions commence.

1 After a civil action is commenced, the running of any
2 statute of limitation shall be tolled for, and only for, the pen-
3 dency of that civil action as to any claim which has been or
4 may be asserted therein by counterclaim, whether compulsory
5 or permissive, cross-claim or third-party complaint: *Provided,*
6 That if any such permissive counterclaim would be barred
7 but for the provisions of this section, such permissive counter-
8 claim may be asserted only in the action tolling the statute
9 of limitations under this section. This section shall be deemed
10 to toll the running of any statute of limitation with respect to

11 any claim for which the statute of limitation has not expired
12 on the effective date of this section, but only for so long as the
13 action tolling the statute of limitations is pending.

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

L.P. Bayler

Chairman Senate Committee

Tony E. Whitlow
Chairman House Committee

Originated in the House.

Takes effect ninety days from passage.

Judd C. Wittis

Clerk of the Senate

VA Blankenship

Clerk of the House of Delegates

Mary E. McSwain

President of the Senate

Walter H. Seedorf

Speaker House of Delegates

The within is approved this the 24
day of April, 1981.

John D. Rhymer
Governor

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SECY. OF STATE