

ENROLLED

COMMITTEE SUBSTITUTE

FOR

Senate Bill No. 149

(MR. WRIGHT AND MR. HECK, *original sponsors*)

[Passed March 1, 1983; in effect ninety days from passage.]

AN ACT to amend article two, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section six-a, relating to the limitation of actions and suits seeking recovery for deficiencies, injuries or wrongful death resulting from any improvements to real property.

Be it enacted by the Legislature of West Virginia:

That article two, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section six-a, to read as follows:

ARTICLE 2. LIMITATIONS OF ACTIONS AND SUITS.

§55-2-6a. **Deficiencies, injuries or wrongful death resulting from any improvements to real property; limitation of actions and suits.**

1 No action, whether in contract or in tort, for indemnity
2 or otherwise, nor any action for contribution or indem-
3 nity to recover damages for any deficiency in the plan-
4 ning, design, surveying, observation or supervision of any
5 construction or the actual construction of any improve-
6 ment to real property, or, to recover damages for any

7 injury to real or personal property, or, for an injury to a
8 person or for bodily injury or wrongful death arising out
9 of the defective or unsafe condition of any improvement
10 to real property, may be brought more than ten years
11 after the performance or furnishing of such services or
12 construction: *Provided*, That the above period shall be
13 tolled according to the provisions of section twenty-one
14 of this article. The period of limitation provided in this
15 section shall not commence until the improvement to the
16 real property in question has been occupied or accepted
17 by the owner of real property, whichever occurs first.

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

James L. Davis
Chairman Senate Committee

James L. Davis
Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Todd C. Weeks
Clerk of the Senate

Donald L. Kopp
Clerk of the House of Delegates

Walter R. McCreary
President of the Senate

W. W. Lee, Jr.
Speaker House of Delegates

The within *is approved* this the *12* day of *March*, 1983.

J. B. Ray
Governor

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