WEST VIRGINIA LEGISLATURE
REGULAR SESSION, 1983

ENROLLED
Committee Substitute for
SENATE BILL NO. 149

(By Mr. James E. Allen)

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
injury to real or personal property, or, for an injury to a
person or for bodily injury or wrongful death arising out
of the defective or unsafe condition of any improvement
to real property, may be brought more than ten years
after the performance or furnishing of such services or
collection: Provided, That the above period shall be
tolled according to the provisions of section twenty-one
of this article. The period of limitation provided in this
section shall not commence until the improvement to the
real property in question has been occupied or accepted
by the owner of real property, whichever occurs first.
The Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Chairman Senate Committee

Chairman House Committee

Originated in the Senate.

To take effect ninety days from passage.

Clerk of the Senate

Clerk of the House of Delegates

President of the Senate

Speaker House of Delegates

The within _______ in favor ______ this the _____

day of ______, 1983.

Governor