

No: 585

APPROVED AND SIGNED BY THE GOVERNOR

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Date 3-22-83

WEST VIRGINIA LEGISLATURE  
REGULAR SESSION, 1983



**ENROLLED**

SENATE BILL NO. 585

(By ME Chase, et al)



PASSED March 16 1983

In Effect ninty days from Passage



# ENROLLED

## Senate Bill No. 585

(MS. CHACE, MR. KAUFMAN, MR. WHITE, MR. TONKOVICH,  
MR. BOETTNER AND MR. TUCKER, *original sponsors*)

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[Passed March 11, 1983; in effect ninety days from passage.]

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AN ACT to amend article twenty-eight, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, by adding thereto a new section, designated section ten, relating to the limitation of actions and suits for damages resulting from exposure to chemical defoliants and herbicides.

*Be it enacted by the Legislature of West Virginia:*

That article twenty-eight, chapter sixteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, be amended by adding thereto a new section, designated section ten, to read as follows:

**ARTICLE 28. ASSISTANCE TO KOREAN AND VIETNAM VETERANS EXPOSED TO CERTAIN CHEMICAL DEFOLIANTS OR HERBICIDES OR OTHER CAUSATIVE AGENTS, INCLUDING AGENT ORANGE.**

**§16-28-10. Limitation of actions and suits.**

1 An action to recover damages under the provisions of  
2 this article for personal injury caused by contact with or  
3 exposure to chemical defoliants or herbicides, including  
4 agent orange, during either the Korean or Vietnam con-  
5 flict, may be commenced within two years from the date  
6 of discovery of such injury, or within two years from the  
7 date when through the exercise of reasonable diligence  
8 the cause of such injury should have been discovered,  
9 whichever is later.

10 Every cause of action for an injury or death caused by  
11 contact with or exposure to chemical defoliants or her-

12· bicides, including agent orange, during either the Korean  
13 or Vietnam conflict, which is barred as of the effective  
14 date of this section because the applicable period of  
15 limitation has expired is hereby revived and an action  
16 thereon may be commenced and prosecuted provided such  
17 action is commenced within two years of the effective  
18 date of this section.

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

*[Handwritten Signature]*  
Chairman Senate Committee

*[Handwritten Signature]*  
Chairman House Committee

Originated in the Senate.

In effect ninety days from passage.

*[Handwritten Signature]*  
Clerk of the Senate

*[Handwritten Signature]*  
Clerk of the House of Delegates

*[Handwritten Signature]*  
President of the Senate

*[Handwritten Signature]*  
Speaker House of Delegates

The within is approved this the 27  
day of March, 1983.

*[Handwritten Signature]*  
Governor



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