

No: 585

APPROVED AND SIGNED BY THE GOVERNOR

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OFFICE OF THE GOVERNOR

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*)

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

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.

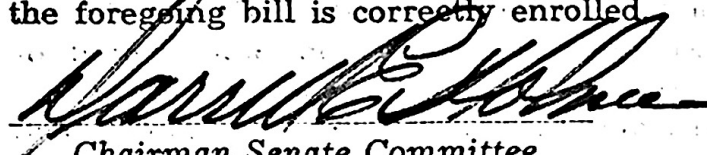
§16-28-10. Limitation of actions and suits.

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


Chairman Senate Committee

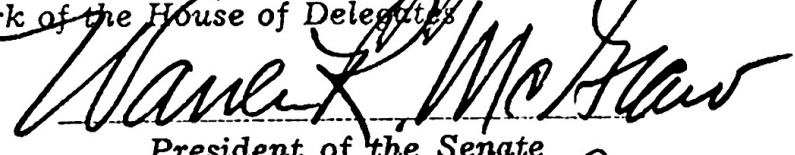

Chairman House Committee

Originated in the Senate.

In 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 is approved this the 27
day of March, 1983.


Governor

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