

FILED

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OFFICE WEST VIRGINIA
SECRETARY OF STATE

WEST VIRGINIA LEGISLATURE

FIRST REGULAR SESSION, 2001

ENROLLED

**COMMITTEE SUBSTITUTE
FOR
House Bill No. 2782**

(By Delegates Staton, Amores, McGraw,
Beane, Wills, Keener and R. Thompson)

Passed April 14, 2001

In Effect Ninety Days from Passage

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FOR

H. B. 2782

(BY DELEGATES STATON, AMORES, MCGRAW,
BEANE, WILLS, KEENER AND R. THOMPSON)

[Passed April 14, 2001; in effect ninety days from passage.]

AN ACT to amend and reenact section eighteen, article two, chapter fifty-five of the code of West Virginia, one thousand nine hundred thirty-one, as amended, relating to actions and suits at law; and providing that an action dismissed as a result of process not having been served is not a dismissal on the merits.

Be it enacted by the Legislature of West Virginia:

That section eighteen, 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 2. LIMITATION OF ACTIONS AND SUITS.

§55-2-18. Extension of period for new action after dismissal or reversal where the action is timely filed.

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1 (a) For a period of one year from the date of a an order
2 dismissing an action or reversing a judgment, a party may re-
3 file the action if the initial pleading was timely filed and (i) the
4 action was involuntarily dismissed for any reason not based
5 upon the merits of the action or (ii) the judgment was reversed
6 on a ground which does not preclude a the filing of new action
7 for the same cause.

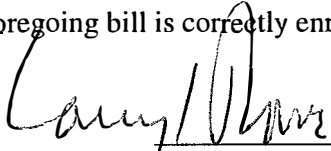
8 (b) For purposes of subsection (a) of this section, a dis-
9 missal not based upon the merits of the action includes, but is
10 not limited to:

11 (1) A dismissal for failure to post an appropriate bond;

12 (2) A dismissal for loss or destruction of records in a
13 former action; or

14 (3) A dismissal for failure to have process timely served,
15 whether or not the party is notified by the court of the pending
16 dismissal.

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



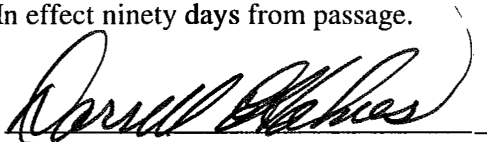
Chairman Senate Committee



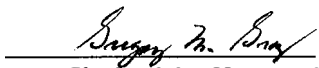
Chairman House Committee

Originating in the House.

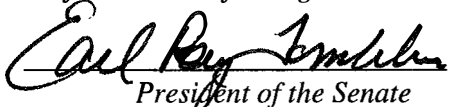
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Clerk of the Senate



Clerk of the House of Delegates

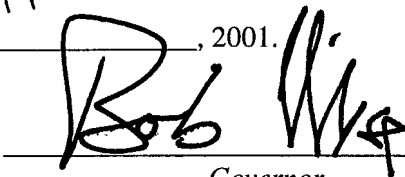


President of the Senate



Speaker of the House of Delegates

The within is approved this the 2nd
day of May, 2001.



Governor

PRESENTED TO THE

GOVERNOR

Date 4/24/01

Time 4:55 pm