

Senate Bill No. 521

(By Senator Sypolt)

[Introduced February 16, 2011; referred to the Committee on the
Judiciary.]

A BILL to amend and reenact §55-2-6a of the Code of West Virginia, 1931, as amended, relating to imposing a statute of limitations for the bringing of any civil action derived from the actual surveying of real property more than ten years after the performance or furnishing of the services.

Be it enacted by the Legislature of West Virginia:

That §55-2-6a of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

ARTICLE 2. LIMITATION OF ACTIONS AND SUITS

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

No action, whether in contract or in tort, for indemnity or otherwise, nor any action for contribution or indemnity to recover damages for any deficiency in the planning, design, surveying,

1 observation or supervision of any construction or the actual
2 construction of any improvement to real property, or the actual
3 surveying of real property, or, to recover damages for any injury
4 to real or personal property, or, for an injury to a person or for
5 bodily injury or wrongful death arising out of the defective or
6 unsafe condition of any improvement to real property, or the survey
7 of real property, may be brought more than ten years after the
8 performance or furnishing of ~~such~~ the services or construction.
9 ~~Provided, That~~ However, the above period ~~shall be~~ is tolled
10 according to ~~the provisions of~~ section twenty-one of this article.
11 The period of limitation provided in this section ~~shall~~ does not
12 commence until the improvement to the real property, or the survey
13 of the real property in question has been occupied or accepted by
14 the owner of the real property, whichever occurs first.

NOTE: The purpose of this bill is to impose a ten year statute of limitations on any civil action derived from the actual surveying of real property, starting after the performance or furnishing of the services.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.