1	Senate Bill No. 388
2	(By Senators Wills, Klempa, Tucker, Miller, Snyder, Yost and
3	Kessler (Mr. President))
4	
5	[Introduced January 23, 2012; referred to the Committee on the
6	Judiciary.]
7	
8	
9	
10	A BILL to amend and reenact $\$55-2-21$ of the Code of West Virginia,
11	1931, as amended, relating to limitations of actions and
12	suits; and reducing the number of defendants named in the
13	beginning of a lawsuit by tolling the statute of limitations
14	against all tortfeasors upon filing direct claims against
15	tortfeasors.
16	Be it enacted by the Legislature of West Virginia:
17	That §55-2-21 of the Code of West Virginia, 1931, as amended,
18	be amended and reenacted to read as follows:
19	ARTICLE 2. LIMITATION OF ACTIONS AND SUITS.
20	§55-2-21. Statutes of limitation tolled on claims assertible in
21	civil actions when actions commence.
22	After a civil action is commenced, the running of any statute
23	of limitation shall be tolled for, and only for, the pendency of
24	that civil action as to any claim which has been or may be asserted

1

1 therein by <u>direct claim against all tortfeasors</u>, counterclaim, 2 whether compulsory or permissive, cross-claim or third-party 3 complaint: *Provided*, That if any such permissive counterclaim 4 would be barred but for the provisions of this section, such 5 permissive counterclaim may be asserted only in the action tolling 6 the statute of limitations under this section. This section shall 7 be deemed to toll the running of any statute of limitation with 8 respect to any claim for which the statute of limitation has not 9 expired on the effective date of this section, but only for so long 10 as the action tolling the statute of limitations is pending.

NOTE: The purpose of this bill is to reduce the number of defendants named in the beginning of a lawsuit by tolling the statute of limitations against all tortfeasors upon filing.

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

2