

1 **H. B. 3067**

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3 (By Delegates Manchin, Shott, Sponaugle, Fleischauer,  
4 Walters, Caputo, Longstreth and Ellem)

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6 [Introduced March 22, 2013; referred to the  
7 Committee on the Judiciary.]

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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~~ is tolled for, and only for, the pendency of  
24 that civil action as to any claim which has been or may be asserted  
25 therein by direct claim against all tortfeasors, counterclaim,

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