

Senate Bill No. 489

(By Senator Carmichael)

[Introduced February 13, 2015;
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 bringing a civil action derived from actual surveying of real property more than ten years after performance or furnishing of 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.

1 No action, whether in contract or in tort, for indemnity or otherwise, nor any action for
2 contribution or indemnity to recover damages for any deficiency in the planning, design, surveying,
3 observation or supervision of any construction or the actual construction of any improvement to real
4 property, or the actual surveying of real property, or, to recover damages for any injury to real or
5 personal property, or, for an injury to a person or for bodily injury or wrongful death arising out of
6 the defective or unsafe condition of any improvement to real property, or the survey of real property,

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1 may be brought more than ten years after the performance or furnishing of ~~such~~ the services or
2 construction. ~~Provided, That~~ However, the above period ~~shall be~~ is tolled according to ~~the~~
3 ~~provisions~~ of section twenty-one of this article. The period of limitation provided in this section
4 ~~shall~~ does not commence until the improvement to the real property, or the survey of the real
5 property in question has been occupied or accepted by the owner of the real property, whichever
6 occurs first.