

WEST VIRGINIA LEGISLATURE

2025 REGULAR SESSION

Originating

House Bill 3516

By Delegates Hanshaw (Mr. Speaker) and Rohrbach

[Originating in the Committee on the Judiciary;

Reported on March 28, 2025]

1 A BILL to amend and reenact §55-2-15 of the Code of West Virginia, 1931, as amended, by and
2 amend said code by deleting and replacing subsection (a) thereto, redesignating the
3 current subsection (b) as the amended subsection (a), amending the time period within
4 which a person may file suit if the basis of the suit occurred in the persons infancy, from age
5 of majority plus eighteen years, to age of majority plus two years, then deleting current
6 subsection (c) in its entirety.

Be it enacted by the Legislature of West Virginia:

CHAPTER 55. ACTIONS, SUITS AND ARBITRATION; JUDICIAL SALE.

ARTICLE 2. LIMITATION OF ACTIONS AND SUITS.

§55-2-15. Special and general savings as to persons under disability.

1 A personal action for damages resulting from sexual assault or sexual abuse of a person
2 who was an infant at the time of the act or acts alleged, shall be brought against the perpetrator of
3 the sexual assault or sexual abuse, within 18 years after reaching the age of majority, or within four
4 years after discovery of the sexual assault or sexual abuse, whichever is longer excepting actions
5 brought against those having insurance coverage pursuant to Chapter 29, Article 12 of this code.

6 A personal action for damages resulting from sexual assault or sexual abuse of a person who was
7 an infant at the time of the act or acts alleged shall be brought against a person or entity which
8 aided, abetted, or concealed the sexual assault or sexual abuse within 18 years after reaching the
9 age of majority excepting actions brought against those having insurance coverage pursuant to
10 Chapter 29, Article 12 of this code.

11 (b) If any person to whom the right accrues to bring any personal action other than an action
12 described in subsection (a) of this section, suit, or scire facias, or any bill to repeal a grant, shall be,
13 at the time the same accrues, an infant or insane, the same may be brought within the like number
14 of years after his or her becoming of full age or sane that is allowed to a person having no such
15 impediment to bring the same after the right accrues, or after such acknowledgment as is

16 mentioned in §55-2-8 of this code, except that it shall in no case be brought after 20 years from the
17 time when the right accrues.

18 ~~(c) The amendments to this section enacted during the 2020 Regular Session of the~~
19 ~~Legislature are intended to extend the statute of limitations for all actions whether or not an earlier~~
20 ~~established period of limitation has expired.~~

NOTE: The purpose of this bill is to amend the limit of liability insurance provided through the Board of Risk and Insurance Management, the time period within which suits must be filed, and to immunize state employees from personal liability except for orders of restitution by a court following conviction of a crime.

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