

**H. B. 2088**

(By Delegates Manchin and Walters)

[Introduced January 16, 2015; referred to the  
Committee on the Judiciary.]

A BILL to amend and reenact §55-2-21 of the Code of West Virginia, 1931, as amended, relating to limitations of actions and suits; and reducing the number of defendants named in the beginning of a lawsuit by tolling the statute of limitations against all tortfeasors upon filing direct claims against tortfeasors.

*Be it enacted by the Legislature of West Virginia:*

That §55-2-21 of the Code of West Virginia, 1931, as amended, be amended and reenacted to read as follows:

**ARTICLE 2. LIMITATION OF ACTIONS AND SUITS.**

**§55-2-21. Statutes of limitation tolled on claims assertible in civil actions when actions commence.**

After a civil action is commenced, the running of any statute of limitation ~~shall be~~ is tolled for, and only for, the pendency of that civil action as to any claim which has been or may be asserted therein by direct claim against all tortfeasors, counterclaim, whether compulsory or permissive,

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