

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

Senate Bill 495

BY SENATOR WALTERS

[Introduced February 3, 2016;

Referred to the Committee on the Judiciary.]

1 A BILL to amend and reenact §55-2-3 of the Code of West Virginia, 1931, as amended, relating
 2 to entry upon or recovery of lands by infants, insane persons, military personnel or
 3 reservists.

Be it enacted by the Legislature of West Virginia:

1 That §55-2-3 of the Code of West Virginia, 1931, as amended, be amended and reenacted
 2 to read as follows:

ARTICLE 2. LIMITATION OF ACTIONS AND SUITS.

§55-2-3. Entry upon or recovery of lands by ~~persons under disability~~ infants, insane persons, military personnel, or reservists.

1 If, ~~at the time at which~~ when the right of any a person to make an entry on, or bring an
 2 action to recover, any land ~~shall have~~ first accrued, ~~such~~ the person was an infant, ~~or an insane~~
 3 person, a member of the military who has been deployed, or a reservist, then ~~such~~ the person, or
 4 the person claiming through him or her, may, notwithstanding ~~such period of ten years shall have~~
 5 expired the ten-year period provided in section one of this article, make an entry on, or bring an
 6 action to recover, ~~such~~ the land within five years ~~next~~ after the time at which the person to whom
 7 ~~such~~ the right ~~shall have~~ first accrued as aforesaid ~~shall have~~ ceased to be under ~~such disability~~
 8 ~~as existed when the same so accrued, or shall have died, whichever shall first have happened~~ an
 9 infant, insane, a deployed member of the military, or a reservist, or died, whichever happened
 10 first.

NOTE: The purpose of this bill is to allow military personnel and reservists the additional five-year period to enter upon or recover land already allowed to infants and the insane.

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