

2006 SESSION

INTRODUCED

061163348

HOUSE BILL NO. 1267

Offered January 11, 2006

Prefiled January 11, 2006

A BILL to amend and reenact § 8.01-232 of the Code of Virginia, relating to the effect of promises not to plead the statute of limitations.

Patron—Janis

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-232 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-232. Effect of promises not to plead statute.

A. Whenever the failure to enforce a promise, written or unwritten, not to plead the statute of limitations would operate as a fraud on the promisee, the promisor shall be estopped to plead the statute. In all other cases, an unwritten promise not to plead the statute shall be void, and a written promise not to plead such statute shall ~~have the effect of a promise to pay the debt or discharge the liability be~~ *valid*. No provision of this subsection shall operate contrary to subsections B and C of this section.

B. No acknowledgment or promise by any personal representative of a decedent shall charge the estate of the decedent, revive a cause of action otherwise barred, or relieve the personal representative of his duty to defend under § 26-5 in any case in which but for such acknowledgment or promise, the decedent's estate could have been protected under a statute of limitations.

C. No acknowledgment or promise by one of two or more joint contractors shall charge any of such contractors in any case in which but for such acknowledgment another contractor would have been protected under a statute of limitations.

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