

LD4782661

SENATE BILL NO. 903

Offered January 23, 1995

A BILL to amend and reenact § 8.01-249 of the Code of Virginia, relating to statutes of limitation; childhood sexual abuse.

Patrons—Gartlan, Barry, Benedetti, Calhoun, Cross, Holland, C.A., Holland, E.M., Holland, R.J., Houck, Howell, Lambert, Lucas, Marsh, Marye, Miller, Y.B., Norment, Quayle, Reasor, Robb, Saslaw, Schewel, Stolle, Stosch, Trumbo, Waddell, Walker and Woods; Delegates: Almand, Baker, Barlow, Behm, Bennett, Brickley, Callahan, Cantor, Christian, Cohen, Connally, Cooper, Copeland, Council, Cranwell, Crittenden, Cunningham, Darner, Davies, DeBoer, Grayson, Guest, Hargrove, Hull, Ingram, Johnson, Jones, J.C., Keating, Kilgore, McDonnell, Miller, Mims, Moore, Plum, Puller, Reid, Reynolds, Scott, Sherwood, Shuler, Stump, Van Landingham and Woodrum

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-249 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-249. When cause of action shall be deemed to accrue in certain personal actions.

The cause of action in the actions herein listed shall be deemed to accrue as follows:

1. In actions for fraud or mistake and in actions for rescission of contract for undue influence, when such fraud, mistake, or undue influence is discovered or by the exercise of due diligence reasonably should have been discovered;

2. In actions or other proceedings for money on deposit with a bank or any person or corporation doing a banking business, when a request in writing be made therefor by check, order, or otherwise;

3. In actions for malicious prosecution or abuse of process, when the relevant criminal or civil action is terminated;

4. In actions for injury to the person resulting from exposure to asbestos or products containing asbestos, when a diagnosis of asbestosis, interstitial fibrosis, mesothelioma, or other disabling asbestos-related injury or disease is first communicated to the person or his agent by a physician. However, no such action may be brought more than two years after the death of such person;

5. In actions for contribution or for indemnification, when the contributee or the indemnitee has paid or discharged the obligation. A third-party claim permitted by subsection A of § 8.01-281 and the Rules of Court may be asserted before such cause of action is deemed to accrue hereunder;

6. In actions for injury to the person, whatever the theory of recovery, resulting from sexual abuse occurring during the infancy or incompetency of the person, when the fact of the injury and its causal connection to the sexual abuse is first communicated to the person by a licensed physician, psychologist, or clinical psychologist. ~~However, no such action may be brought more than ten years after the later of (i) the last act by the same perpetrator which was part of a common scheme or plan of abuse or (ii) removal of the disability of infancy or incompetency.~~ As used in this subdivision, "sexual abuse" means sexual abuse as defined in subdivision 6 of § 18.2-67.10 and acts constituting rape, sodomy, inanimate object sexual penetration or sexual battery as defined in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

7. In products liability actions against parties other than health care providers as defined in § 8.01-581.1 for injury to the person resulting from or arising as a result of the implantation of any prosthetic device for breast augmentation or reconstruction, when the fact of the injury and its causal connection to the implantation is first communicated to the person by a physician;

8. In actions on an open account, from the later of the last payment or last charge for goods or services rendered on the account.

INTRODUCED

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