

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-243 of the Code of Virginia, relating to statute of limitations;*
3 *injury to property arising out of the negligent operation of a motor vehicle; actions brought by the*
4 *Commonwealth.*

5 [H 969]

6 Approved

7 **Be it enacted by the General Assembly of Virginia:**8 **1. That § 8.01-243 of the Code of Virginia is amended and reenacted as follows:**9 **§ 8.01-243. Personal action for injury to person or property generally; extension in actions for**
10 **malpractice against health care provider.**11 A. Unless otherwise provided in this section or by other statute, every action for personal injuries,
12 whatever the theory of recovery, and every action for damages resulting from fraud, shall be brought
13 within two years after the cause of action accrues.14 B. Every action for injury to property, including actions by a parent or guardian of an infant against
15 a tort-feasor for expenses of curing or attempting to cure such infant from the result of a personal injury
16 or loss of services of such infant, shall be brought within five years after the cause of action accrues.
17 An infant's claim for medical expenses pursuant to subsection B of § 8.01-36 accruing on or after July
18 1, 2013, shall be governed by the applicable statute of limitations that applies to the infant's cause of
19 action.20 C. The two-year limitations period specified in subsection A shall be extended in actions for
21 malpractice against a health care provider as follows:22 1. In cases arising out of a foreign object having no therapeutic or diagnostic effect being left in a
23 patient's body, for a period of one year from the date the object is discovered or reasonably should have
24 been discovered;25 2. In cases in which fraud, concealment or intentional misrepresentation prevented discovery of the
26 injury within the two-year period, for one year from the date the injury is discovered or, by the exercise
27 of due diligence, reasonably should have been discovered; and28 3. In a claim for the negligent failure to diagnose a malignant tumor or cancer, for a period of one
29 year from the date the diagnosis of a malignant tumor or cancer is communicated to the patient by a
30 health care provider, provided the health care provider's underlying act or omission was on or after July
31 1, 2008. Claims under this section for the negligent failure to diagnose a malignant tumor or cancer,
32 where the health care provider's underlying act or omission occurred prior to July 1, 2008, shall be
33 governed by the statute of limitations that existed prior to July 1, 2008.34 However, the provisions of this subsection shall not apply to extend the limitations period beyond ten
35 years from the date the cause of action accrues, except that the provisions of subdivision A 2 of
36 § 8.01-229 shall apply to toll the statute of limitations in actions brought by or on behalf of a person
37 under a disability.38 D. Every action for injury to the person, whatever the theory of recovery, resulting from sexual
39 abuse occurring during the infancy or incapacity of the person as set forth in subdivision 6 of
40 § 8.01-249 shall be brought within 20 years after the cause of action accrues.41 *E. Every action for injury to property brought by the Commonwealth against a tort-feasor for*
42 *expenses arising out of the negligent operation of a motor vehicle shall be brought within five years*
43 *after the cause of action accrues.*

ENROLLED

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