

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-249 of the Code of Virginia, relating to the statute of limitations;*  
3 *discovery rule.*

4  
5 Approved

[S 90]

6 **Be it enacted by the General Assembly of Virginia:**

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

8 **§ 8.01-249. When cause of action shall be deemed to accrue in certain personal actions.**

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

10 1. In actions for fraud or mistake, in actions for violations of the Consumer Protection Act  
11 (§ 59.1-196 et seq.) based upon any misrepresentation, deception, or fraud, and in actions for rescission  
12 of contract for undue influence, when such fraud, mistake, misrepresentation, deception, or undue  
13 influence is discovered or by the exercise of due diligence reasonably should have been discovered;

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

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

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

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

25 6. In actions for injury to the person, whatever the theory of recovery, resulting from sexual abuse  
26 occurring during the infancy or incapacity of the person, upon the later of the removal of the disability  
27 of infancy or incapacity as provided in § 8.01-229 or when the fact of the injury and its causal  
28 connection to the sexual abuse is first communicated to the person by a licensed physician, psychologist,  
29 or clinical psychologist. As used in this subdivision, "sexual abuse" means sexual abuse as defined in  
30 subdivision 6 of § 18.2-67.10 and acts constituting rape, sodomy, object sexual penetration or sexual  
31 battery as defined in Article 7 (§ 18.2-61 et seq.) of Chapter 4 of Title 18.2;

32 7. In products liability actions against parties other than health care providers as defined in  
33 § 8.01-581.1 for injury to the person resulting from or arising as a result of the implantation of any  
34 prosthetic device for breast augmentation or reconstruction, when the fact of the injury and its causal  
35 connection to the implantation is first communicated to the person by a physician;

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

38 9. *In products liability actions against parties other than health care providers as defined in*  
39 *§ 8.01-581.1 for injury to the person resulting from or arising as a result of the implantation of any*  
40 *medical device, when the person knew or should have known of the injury and its causal connection to*  
41 *the device.*

ENROLLED

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