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SENATE BILL NO. 483

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee on the Judiciary
on February 7, 2022)

(Patron Prior to Substitute—Senator McClellan)

A *BILL to direct the Department of Education to make recommendations on background check and training requirements for coaches, staff members, employees, and volunteers of youth sports leagues, and to amend and reenact 8.01-243 of the Code of Virginia, relating to limitations period on sexual abuse of a minor claims.*

Be it enacted by the General Assembly of Virginia:

1. § 1. That the Department of Education (the Department) shall make recommendations regarding appropriate background check and training requirements for coaches, staff members, employees, and other volunteers of competitive sports leagues in which persons under the age of 18 participate. The Department shall (i) determine whether such persons should be subject to a background check and, if so, the components of such background check and applicable barrier crimes; (ii) determine minimal training requirements such persons should satisfy annually regarding evidence-based child abuse prevention and response; and (iii) identify appropriate methods for providing notice to such persons and parents of children participating in such sports leagues of the duty of all coaches, directors, and persons 18 years of age or older employed by or volunteering with the sports league to report suspected child abuse or neglect. The Department shall consult with child sexual assault victims advocates and youth competitive sports leagues in making its recommendations. The Department shall submit to the Governor and General Assembly a report of its recommendations by November 1, 2022. The report shall be submitted as provided in the procedures of the Division of Legislative Automated Systems for the processing of legislative documents and reports no later than the first day of the 2023 Regular Session of the General Assembly and shall be posted on the General Assembly's website.

2. That § 8.01-243 of the Code of Virginia is amended and reenacted as follows:**§ 8.01-243. Personal action for injury to person or property generally; extension in actions for malpractice against health care provider.**

A. Unless otherwise provided in this section or by other statute, every action for personal injuries, whatever the theory of recovery, and every action for damages resulting from fraud, shall be brought within two years after the cause of action accrues.

B. Every action for injury to property, including actions by a parent or guardian of an infant against a tort-feasor for expenses of curing or attempting to cure such infant from the result of a personal injury or loss of services of such infant, shall be brought within five years after the cause of action accrues. An infant's claim for medical expenses pursuant to subsection B of § 8.01-36 accruing on or after July 1, 2013, shall be governed by the applicable statute of limitations that applies to the infant's cause of action.

C. The two-year limitations period specified in subsection A shall be extended in actions for malpractice against a health care provider as follows:

1. In cases arising out of a foreign object having no therapeutic or diagnostic effect being left in a patient's body, for a period of one year from the date the object is discovered or reasonably should have been discovered;

2. In cases in which fraud, concealment, or intentional misrepresentation prevented discovery of the injury within the two-year period, for one year from the date the injury is discovered or, by the exercise of due diligence, reasonably should have been discovered; and

3. In a claim for the negligent failure to diagnose a malignant tumor, cancer, or an intracranial, intraspinal, or spinal schwannoma, for a period of one year from the date the diagnosis of a malignant tumor, cancer, or an intracranial, intraspinal, or spinal schwannoma is communicated to the patient by a health care provider, provided that the health care provider's underlying act or omission was on or after July 1, 2008, in the case of a malignant tumor or cancer or on or after July 1, 2016, in the case of an intracranial, intraspinal, or spinal schwannoma. Claims under this section for the negligent failure to diagnose a malignant tumor or cancer, where the health care provider's underlying act or omission occurred prior to July 1, 2008, shall be governed by the statute of limitations that existed prior to July 1, 2008. Claims under this section for the negligent failure to diagnose an intracranial, intraspinal, or spinal schwannoma, where the health care provider's underlying act or omission occurred prior to July 1, 2016, shall be governed by the statute of limitations that existed prior to July 1, 2016.

However, the provisions of this subsection shall not apply to extend the limitations period beyond 10 years from the date the cause of action accrues, except that the provisions of subdivision A 2 of § 8.01-229 shall apply to toll the statute of limitations in actions brought by or on behalf of a person

60 under a disability.

61 D. Every action for injury to the person, whatever the theory of recovery, resulting from sexual
62 abuse occurring during the ~~infancy or~~ incapacity of the person as set forth in subdivision 6 of
63 § 8.01-249 shall be brought within 20 years after the cause of action accrues.

64 *D1. Every action for injury to the person, whatever the theory of recovery, resulting from sexual*
65 *abuse occurring during the infancy of the person as set forth in subdivision 6 of § 8.01-249 shall be*
66 *brought within 25 years after the cause of action accrues. Beginning July 1, 2022, for claims against a*
67 *natural person for injury to the person resulting from sexual abuse, persons who have been time-barred*
68 *from filing such an action due to the expiration of the limitations period in effect prior to such date*
69 *shall be permitted to file such an action.*

70 *D2. For a cause of action accruing on or after July 1, 2020, every action for injury to the person,*
71 *whatever the theory of recovery, resulting from sexual abuse, other than those actions specified in*
72 ~~subsection~~ *subsections D and D1, shall be brought within 10 years after the cause of action accrues.*

73 E. Every action for injury to property brought by the Commonwealth against a tort-feasor for
74 expenses arising out of the negligent operation of a motor vehicle shall be brought within five years
75 after the cause of action accrues.