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1 **HOUSE BILL NO. 538**

2 Offered January 14, 2026

3 Prefiled January 13, 2026

4 *A BILL to amend and reenact § 8.01-243 of the Code of Virginia, relating to statute of limitations; sexual*
5 *abuse of a minor; act by a person of authority.*

6 Patron—Hamilton

7 Committee Referral Pending

8 **Be it enacted by the General Assembly of Virginia:**9 **1. That § 8.01-243 of the Code of Virginia is amended and reenacted as follows:**10 **§ 8.01-243. Personal action for injury to person or property generally; extension in actions for**
11 **malpractice against health care provider.**12 A. Unless otherwise provided in this section or by other statute, every action for personal injuries,
13 whatever the theory of recovery, and every action for damages resulting from fraud, shall be brought within
14 two years after the cause of action accrues.15 B. Every action for injury to property, including actions by a parent or guardian of an infant against a
16 tort-feasor for expenses of curing or attempting to cure such infant from the result of a personal injury or loss
17 of services of such infant, shall be brought within five years after the cause of action accrues. An infant's
18 claim for medical expenses pursuant to subsection B of § 8.01-36 accruing on or after July 1, 2013, shall be
19 governed by the applicable statute of limitations that applies to the infant's cause of action.20 C. The two-year limitations period specified in subsection A shall be extended in actions for malpractice
21 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 patient's
23 body, for a period of one year from the date the object is discovered or reasonably should have been
24 discovered;25 2. In cases in which fraud, concealment, or intentional misrepresentation prevented discovery of the injury
26 within the two-year period, for one year from the date the injury is discovered or, by the exercise of due
27 diligence, reasonably should have been discovered; and28 3. In a claim for the negligent failure to diagnose a malignant tumor, cancer, or an intracranial, intraspinal,
29 or spinal schwannoma, for a period of one year from the date the diagnosis of a malignant tumor, cancer, or
30 an intracranial, intraspinal, or spinal schwannoma is communicated to the patient by a health care provider,
31 provided that the health care provider's underlying act or omission was on or after July 1, 2008, in the case of
32 a malignant tumor or cancer or on or after July 1, 2016, in the case of an intracranial, intraspinal, or spinal
33 schwannoma. Claims under this section for the negligent failure to diagnose a malignant tumor or cancer,
34 where the health care provider's underlying act or omission occurred prior to July 1, 2008, shall be governed
35 by the statute of limitations that existed prior to July 1, 2008. Claims under this section for the negligent
36 failure to diagnose an intracranial, intraspinal, or spinal schwannoma, where the health care provider's
37 underlying act or omission occurred prior to July 1, 2016, shall be governed by the statute of limitations that
38 existed prior to July 1, 2016.39 However, the provisions of this subsection shall not apply to extend the limitations period beyond 10
40 years from the date the cause of action accrues, except that the provisions of subdivision A 2 of § 8.01-229
41 shall apply to toll the statute of limitations in actions brought by or on behalf of a person under a disability.42 D. Every action for injury to the person, whatever the theory of recovery, resulting from sexual abuse
43 occurring during the infancy or incapacity of the person as set forth in subdivision 6 of § 8.01-249 shall be
44 brought within 20 years after the cause of action accrues.45 D1. For a cause of action accruing on or after July 1, 2020, every action for injury to the person, whatever
46 the theory of recovery, resulting from sexual abuse, other than those actions specified in subsection D, shall
47 be brought within 10 years after the cause of action accrues.48 D2. Notwithstanding the provisions of subsections D and D1, every action for injury to the person,
49 whatever the theory of recovery, resulting from sexual abuse occurring when the person was 18 years old or
50 older by a person of authority over a victim shall be brought within 15 years after the cause of action accrues.
51 *However, wherein such injury resulted from sexual abuse during the infancy of the person as set forth in*
52 *subdivision 6 of § 8.01-249 by such person of authority, the action for injury may be brought at any time*
53 *without limitation.* For the purposes of this subsection, "person of authority" means a person in a position of
54 trust having influence over the victim's life.55 E. Every action for injury to property brought by the Commonwealth against a tort-feasor for expenses
56 arising out of the negligent operation of a motor vehicle shall be brought within five years after the cause of
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HB538

59 action accrues.