

WEST VIRGINIA LEGISLATURE

2016 REGULAR SESSION

Introduced

House Bill 4649

BY DELEGATES SKINNER, FLEISCHAUER, MANCHIN,
ELDRIDGE, SPONAUGLE, ROWE, MOORE, BYRD,
FLUHARTY, SHAFFER AND GUTHRIE

[Introduced February 22, 2016; referred to the
committee on Banking and Insurance then the
Judiciary.]

1 A BILL to amend and reenact §55-2-6 of the Code of West Virginia, 1931, as amended, relating
2 to limitations and suits; and providing that any action for the default of payment of a credit
3 card debt be brought within three years of the date of default.

Be it enacted by the Legislature of West Virginia:

1 That §55-2-6 of the Code of West Virginia, 1931, as amended, be amended and reenacted
2 to read as follows:

ARTICLE 2. LIMITATION OF ACTIONS AND IF IT BE UPON ANY SUITS.

§55-2-6. Actions to recover on award or contract other than judgment or recognizance.

1 Every action to recover money, which is founded upon an award, or on any contract other
2 than a judgment or recognizance, shall be brought within the following number of years next after
3 the right to bring the same shall have accrued, that is to say: If the case be upon an indemnifying
4 bond taken under any statute, or upon a bond of an executor, administrator or guardian, curator,
5 committee, sheriff or deputy sheriff, clerk or deputy clerk, or any other fiduciary or public officer,
6 within ten years; if it be upon any other contract in writing under seal, within ten years; if it be upon
7 an award, or upon a contract in writing, signed by the party to be charged thereby, or by his or
8 her agent, but not under seal, within ten years; if it be upon any open ended credit card account,
9 within three years; and if it be upon any other contract, express or implied, within five years, unless
10 it be an action by one party against his or her copartner for a settlement of the partnership
11 accounts, or upon accounts concerning the trade or merchandise between merchant and
12 merchant, their factors or servants, where the action of account would lie, in either of which cases
13 the action may be brought until the expiration of five years from a cessation of the dealings in
14 which they are interested together, but not after.

NOTE: The purpose of this bill is to provide that any action for the default of payment of a credit card debt be brought within three years of the date of default.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.