

# **WEST VIRGINIA LEGISLATURE**

**2016 REGULAR SESSION**

**Committee Substitute**

**for**

**Senate Bill 635**

BY SENATORS ASHLEY, CARMICHAEL AND GAUNCH

[Originating in the Committee on the Judiciary;

reported on February 26, 2016]



1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,  
2 designated §55-2-6b, relating to the statute of limitation period that applies to an action to  
3 recover the unpaid balance due upon a contract made by a consumer for the purchase of  
4 personal property containing terms of financing the purchase price; establishing the  
5 statute of limitation period to be four years on claims upon a contract made by a consumer  
6 for the purchase of personal property which contains terms of financing all or part of the  
7 purchase price over a period of time; clarifying the start of the four-year statute of limitation  
8 period; and distinguishing the start of the statute of limitation period if the due date is  
9 accelerated.

*Be it enacted by the Legislature of West Virginia:*

1 That the Code of West Virginia, 1931, as amended, be amended by adding thereto a new  
2 section, designated §55-2-6b, to read as follows:

**ARTICLE 2. LIMITATION OF ACTIONS AND SUITS.**

**§55-2-6b. Actions to recover the unpaid balance due on a consumer contract to purchase  
personal property, containing terms of financing all or part of the purchase  
price.**

1 No action upon a contract made by a consumer for the purchase of personal property,  
2 containing terms of financing all or part of the purchase price over a period of time, to recover the  
3 unpaid balance due and owing on the contract payable to the seller, an assignee or other holder  
4 of the contract may be brought more than four years after the due date or dates stated in the  
5 contract or, if a due date is accelerated, more than four years after the accelerated due date.