

WEST VIRGINIA LEGISLATURE

2024 REGULAR SESSION

Introduced

Senate Bill 734

By Senator Barrett

[Introduced February 9, 2024; referred
to the Committee on the Judiciary]

1 A BILL to amend and reenact §55-2-6, §55-2-7, and §55-2-11 of the Code of West Virginia, 1931,
2 as amended, all relating to limitation of certain actions; reducing time within which to bring
3 actions to recover on written and oral contracts, certain bonds, and recognizances.

Be it enacted by the Legislature of West Virginia:

ARTICLE 2. LIMITATION OF ACTIONS AND 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~~ five years; if it be upon any other contract in writing under seal, within ~~ten~~ five years; if it
7 be upon an award, or upon a contract in writing, signed by the party to be charged thereby, or by
8 his or her agent, but not under seal, within ~~ten~~ five years; and if it be upon any other contract,
9 express or implied, within ~~five~~ two years, unless it be an action by one party against his or her
10 copartner for a settlement of the partnership accounts, or upon accounts concerning the trade or
11 merchandise between merchant and merchant, their factors or servants, where the action of
12 account would lie, in either of which cases the action may be brought until the expiration of five
13 years from a cessation of the dealings in which they are interested together, but not after.

§55-2-7. Actions on bonds of personal representatives and fiduciaries.

1 The right of action upon the bond of an executor, administrator, guardian, curator or
2 committee, or of a sheriff acting as such, shall be deemed to have first accrued as follows: Upon a
3 bond of a guardian or curator of a ward, from the time of the ward's attaining the age of 18 years, or
4 from the termination of the guardian's or curator's office, whichever shall happen first; and upon
5 the bond of any personal representative of a decedent or committee of an insane person, the right
6 of action of a person obtaining execution against such representative or committee, or to whom

