

# **WEST VIRGINIA LEGISLATURE**

## **2025 REGULAR SESSION**

**Introduced**

### **House Bill 3033**

By Delegates Fehrenbacher, Kump, Dittman, Mallow,  
and Hott

[Introduced February 28, 2025; referred to the  
Committee on the Judiciary]

1 A BILL to amend and reenact §55-2-6 of the Code of West Virginia, 1931, as amended, to shorten  
2 the statute of limitations for actions upon written and oral contracts.

*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~~ three 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 three years from a cessation of the dealings in which they are interested together, but not after.

NOTE: The purpose of this bill is to shorten the statute of limitations for breach of written contract actions from 10 years to five and, for oral contracts, from five years to three. In doing so, it is the intention of the Legislature to bring West Virginia's statutes of limitation in line with the laws of other states.

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