

WEST VIRGINIA LEGISLATURE

2026 REGULAR SESSION

Committee Substitute

for

Senate Bill 613

By Senator Willis

[Reported January 21, 2026, from the Committee on
the Military]

1 A BILL to amend and reenact §15-1F-11 of the Code of West Virginia, 1931, as amended, relating
2 to privileges of members of the National Guard; defining terms; capping interest rates on
3 debts of active service members at six percent per annum; requiring notice to creditors;
4 and authorizing creditors to petition for relief from interest rate cap in magistrate court.

Be it enacted by the Legislature of West Virginia:

ARTICLE 1F. PRIVILEGES AND PROHIBITIONS.

§15-1F-11. West Virginia Servicemembers Civil Relief Act.

1 (a) This section may be cited as the "West Virginia Servicemembers Civil Relief Act".

2 (b) A member of the West Virginia National Guard called to state active duty by the
3 Governor for a period of 30 days or more, shall have all of the protections, rights, or benefits that
4 are afforded and may accrue to a person on federal active duty under the provisions of 50 U.S.C.
5 App., §501, *et seq.* as amended by the Servicemembers Civil Relief Act, Pub. L. No. 108-189
6 (2003).

7 (c)(1) For purposes of this subsection:

8 (A) "Member" means any member of the West Virginia National Guard who has been
9 called to state or federal active duty for a period of 30 days or more.

10 (B) "Obligation" means any retail installment sales contract, other contract for the purchase
11 of goods or services, or bond, bill, note, or other instrument of writing for the payment of money
12 arising out of a contract or other transaction for the purchase of goods or services.

13 (2) Notwithstanding any provision of this code to the contrary, no creditor in connection with
14 an obligation entered into on or after July 1, 2026, shall charge or collect from a member, or from
15 his or her spouse, interest or finance charges in excess of six percent per annum during the period
16 that the member is serving on active duty.

17 (3) Any interest or finance charges greater than six percent per annum that otherwise
18 would be incurred by a member, or by his or her spouse, but for the prohibition set forth in
19 subdivision (2) of this subsection shall be forgiven by the creditor.

20 (4) The amount of any periodic payment due from a member, or from his or her spouse,
21 under the terms of an obligation affected by the provisions of this subsection shall be recalculated
22 to reflect the amount of interest or finance charges required to be forgiven under subdivision (3) of
23 this subsection and which are allocable to the period for which the periodic payment is made.

24 (5) In order for an obligation to be subject to the limitations of this subsection, a member, or
25 his or her spouse, shall provide the creditor with written notice and a copy of the military orders
26 calling the member to active duty and of any orders further extending active duty, not later than 180
27 days after the date of the member's termination of or release from active duty. Upon receipt of such
28 notice and orders, the creditor shall treat the obligation in accordance with the provisions of this
29 subsection, effective as of the date on which the member's active duty order began.

30 (6) A creditor owed an obligation by a member, or by his or her spouse, who has sought the
31 limitations provided under this subsection may file an action in the magistrate court of the county in
32 which the member resides seeking relief from the interest and finance charge limitations:
33 *Provided, however,* That the court may grant such a petition only upon a finding, by clear and
34 convincing evidence, that the ability of the member or his or her spouse to pay interest or finance
35 charges with respect to the obligation at a rate in excess of six percent per annum is not materially
36 affected by reason of the member's service on active duty.

NOTE: The purpose of this bill is to cap interest rates for debts of active service members at six percent per annum.

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