

20101269D

HOUSE BILL NO. 76

Offered January 8, 2020

Prefiled December 6, 2019

A BILL to amend and reenact § 8.01-246 of the Code of Virginia, relating to statute of limitations on written contract; missing person declared dead; executor.

Patron—Edmunds

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 8.01-246 of the Code of Virginia is amended and reenacted as follows:****§ 8.01-246. Personal actions based on contracts.**

Subject to the provisions of § 8.01-243 regarding injuries to person and property and of § 8.01-245 regarding the application of limitations to fiduciaries, and their bonds, actions founded upon a contract, other than actions on a judgment or decree, shall be brought within the following number of years next after the cause of action shall have accrued:

1. In actions or upon a recognizance, except recognizance of bail in a civil suit, within 10 years; and in actions or motions upon a recognizance of bail in a civil suit, within three years, omitting from the computation of such three years such time as the right to sue out such execution shall have been suspended by injunction, supersedeas or other process;

2. In actions on any contract that is not otherwise specified and that is in writing and signed by the party to be charged thereby, or by his agent, within five years whether such writing be under seal or not. *In any action that would otherwise be time-barred by the provisions of this subdivision, wherein a person who would be party to such action was a missing person presumed dead and subsequently determined to be dead pursuant to the provisions of Chapter 23 (§ 64.2-2300 et seq.) of Title 64.2, the executor of such person's estate shall have one year from the entry of an order declaring such person dead pursuant to § 64.2-2305 to bring such an action, provided such cause of action accrues on or after the date upon which such person went missing;*

3. In actions by a partner against another for settlement of the partnership account or in actions upon accounts concerning the trade of merchandise between merchant and merchant, their factors, or servants, within five years from the cessation of the dealings in which they are interested together;

4. In actions upon (i) any contract that is not otherwise specified and that is in writing and not signed by the party to be charged, or by his agent, or (ii) any unwritten contract, express or implied, within three years.

Provided that as to any action to which § 8.2-725 of the Uniform Commercial Code is applicable, that section shall be controlling except that in products liability actions for injury to person and for injury to property, other than the property subject to contract, the limitation prescribed in § 8.01-243 shall apply.

INTRODUCED

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