| 1 | HOUSE BILL NO. 34 |
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| 2 | AMENDMENT IN THE NATURE OF A SUBSTITUTE |
| 3 | (Proposed by the House Committee for Courts of Justice |
| 4 | on) |
| 5 | (Patron Prior to SubstituteDelegate Clark) |
| 6 | A BILL to amend and reenact § 8.01-246 of the Code of Virginia, relating to statute of limitations; medical |
| 7 | debt. |
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| 8 | Be it enacted by the General Assembly of Virginia: |
| 9 | 1. That § 8.01-246 of the Code of Virginia is amended and reenacted as follows: |
| 10 | § 8.01-246. Personal actions based on contracts. |
| 11 | A. Subject to the provisions of § 8.01-243 regarding injuries to person and property and of § 8.01- |
| 12 | 245 regarding the application of limitations to fiduciaries, and their bonds, actions founded upon a |
| 13 | contract, other than actions on a judgment or decree, shall be brought within the following number of |
| 14 | years next after the cause of action shall have accrued: |
| 15 | 1. In actions or upon a recognizance, except recognizance of bail in a civil suit, within 10 years; |
| 16 | and in actions or motions upon a recognizance of bail in a civil suit, within three years, omitting from the |
| 17 | computation of such three years such time as the right to sue out such execution shall have been suspended |
| 18 | by injunction, supersedeas or other process; |
| 19 | 2. In actions on any contract that is not otherwise specified and that is in writing and signed by the |
| 20 | party to be charged thereby, or by his agent, within five years whether such writing be under seal or not; |
| 21 | 3. In actions by a partner against another for settlement of the partnership account or in actions |
| 22 | upon accounts concerning the trade of merchandise between merchant and merchant, their factors, or |
| 23 | servants, within five years from the cessation of the dealings in which they are interested together; |
| 24 | 4. In actions upon (i) any contract that is not otherwise specified and that is in writing and not |
| 25 | signed by the party to be charged, or by his agent, or (ii) any unwritten contract, express or implied, within |
| 26 | three years. |

| 27 | B. In any action, including those brought by the Commonwealth, upon any contract under |
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| 28 | subdivision A 2 or 4 to collect medical debt, such an action is barred if not commenced within three years |
| 29 | from the original date of a health care service unless the contract with a hospital or health care provider is |
| 30 | for a payment plan that allows for a longer period of time for the collection of debt by the hospital or |
| 31 | health care provider. For the purposes of this subsection, "medical debt" means a debt arising directly |
| 32 | from the receipt of a health care service and originally owed directly to a health care service provider. |
| 33 | Provided that as to C. In the case of any action to which § 8.2-725 of the Uniform Commercial |
| 34 | Code is applicable, that section shall be controlling except that in products liability actions for injury to |
| 35 | person and for injury to property, other than the property subject to contract, the limitation prescribed in |
| 36 | § 8.01-243 shall apply. |
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