1   HOUSE BILL NO. 573

2   AMENDMENT IN THE NATURE OF A SUBSTITUTE

3   (Proposed by the House Committee for Courts of Justice

4   on February 7, 2022)

5   (Patron Prior to Substitute--Delegate Clark)

6   A BILL to amend and reenact § 8.01-246 of the Code of Virginia, relating to statute of limitations; medical

7   debt.

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   5. In actions, including those brought by the Commonwealth, upon any contract under subdivision

28   2 or 4 to collect medical debt, within three years from the original date of a health care service unless the

29   contract with a hospital or health care provider is for a payment plan that allows for a longer period of

30   time for the collection of debt by the hospital or health care provider. For the purposes of this subdivision,

31   "medical debt" means a debt arising from the receipt of health care service.

32   ~~Provided that as to~~ B. In the case of any action to which § 8.2-725 of the Uniform Commercial

33   Code is applicable, that section shall be controlling except that in products liability actions for injury to

34   person and for injury to property, other than the property subject to contract, the limitation prescribed in

35   § 8.01-243 shall apply.

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