

1 HB456
2 183373-1
3 By Representatives Black and Beckman
4 RFD: Judiciary
5 First Read: 04-APR-17

2
3
4
5
6
7
8 SYNOPSIS: This bill would specify that a civil action
9 to recover debt on an open-end credit plan,
10 including credit card debt or similar revolving
11 debt, would be required to be commenced within six
12 years.

13
14 A BILL
15 TO BE ENTITLED
16 AN ACT

17
18 To amend Section 6-2-34 of the Code of Alabama 1975,
19 relating to the commencement of civil actions for the recovery
20 of debt on an open-end credit plan, including credit card debt
21 or similar revolving debt.

22 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

23 Section 1. Section 6-2-34 of the Code of Alabama
24 1975, is amended to read as follows:

25 "§6-2-34.

26 "The following must be commenced within six years:

1 "(1) Actions for any trespass to person or liberty,
2 such as false imprisonment or assault and battery;

3 "(2) Actions for any trespass to real or personal
4 property;

5 "(3) Actions for the detention or conversion of
6 personal property;

7 "(4) Actions founded on promises in writing not
8 under seal;

9 "(5) Actions for the recovery of money upon a loan,
10 upon a stated or liquidated account or for arrears of rent due
11 upon a parol demise;

12 "(6) Actions for the use and occupation of land;

13 "(7) Motions and other actions against the sureties
14 of any sheriff, coroner, constable, or any public officer and
15 actions against the sureties of executors, administrators, or
16 guardians for any nonfeasance, misfeasance, or malfeasance,
17 whatsoever, of their principal, the time to be computed from
18 the act done or omitted by their principal which fixes the
19 liability of the surety;

20 "(8) Motions and other actions against
21 attorneys-at-law for failure to pay over money of their
22 clients or for neglect or omission of duty; and

23 "(9) Actions upon any simple contract or speciality
24 not specifically enumerated in this section.

25 "(10) Actions for the recovery of debt on an
26 open-end credit plan, including credit card debt or similar
27 revolving debt, and any accrued interest on the debt, as

1 provided pursuant to contract between the creditor and the
2 debtor. For the purposes of this subdivision, the term "credit
3 card" means a revolving credit account in which the account
4 holder accrues debt and accrues interest on a periodic basis
5 pursuant to contract and periodic statements are rendered to
6 the debtor pursuant to law or contract."

7 Section 2. The provisions of this act are
8 declaratory of existing law and are intended to clarify the
9 commencement of actions for the recovery of money pursuant to
10 subdivision (5) of Section 6-2-34, Code of Alabama 1975.

11 Section 3. This act shall become effective
12 immediately following its passage and approval by the
13 Governor, or its otherwise becoming law.