

2001 RECONVENED SESSION

SENATE SUBSTITUTE

018435210

SENATE BILL NO. 1095

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Governor
on March 26, 2001)

(Patron Prior to Substitute—Senator Mims)

A BILL to amend the Code of Virginia by adding in Article 7 of Chapter 15 of Title 46.2 a section numbered 46.2-1573.01, relating to recovery of certain attorney's fees and costs.

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Article 7 of Chapter 15 of Title 46.2 a section numbered 46.2-1573.01 as follows:

§ 46.2-1573.01. Recovery of attorney's fees.

Any party to a proceeding under § 46.2-1573 who is found to have violated any provision of this article may be ordered by the circuit court before which an application therefor is pending to pay the reasonable attorney's fees and costs incurred by the complaining party, including those attorney's fees and costs incurred as a result of any appeal. Following issuance of the Commissioner's case decision finding that such violation has occurred, the complaining party may make application to an appropriate circuit court for entry of an order awarding it reasonable attorney's fees and costs. Notice of an initial application for entry of such order shall be served in the manner provided by law for the service of a summons in an action. The court shall take such evidence thereon as it deems necessary. Entry of a judgment in conformity with any order awarding such fees and costs shall be stayed pending any appeal of such order or pending any appeal of the Commissioner's underlying decision on the merits. Such application shall be made within sixty days following the date of the Commissioner's order. Venue for the application shall be the circuit court before which any appeal of the Commissioner's decision is pending, and the application may be considered concurrently with consideration of the appeal; otherwise, venue shall be as provided in § 9-6.14:5.

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