

## 2002 SESSION

### SENATE SUBSTITUTE

024547540

#### SENATE BILL NO. 555

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Senate Committee for Courts of Justice  
on February 6, 2002)

(Patron Prior to Substitute—Senator Stosch)

*A BILL to amend the Code of Virginia by adding a section numbered 8.01-221.1, relating to lost profits of unestablished business.*

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 8.01-221.1 as follows:**

*§ 8.01-221.1. Unestablished business damages; lost profits.*

*Damages for lost profits of a new or unestablished business may be recoverable upon proper proof.*

*A party shall not be deemed to have failed to prove lost profits because the new or unestablished business has no history of profits. Such damages for a new or unestablished business shall not be recoverable in wrongful death or personal injury actions other than actions for defamation.*

SENATE SUBSTITUTE

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