

2003 SESSION

INTRODUCED

032834736

HOUSE BILL NO. 1949

Offered January 8, 2003

Prefiled January 7, 2003

A BILL to amend and reenact § 33.1-98 of the Code of Virginia, relating to eminent domain proceedings by the Commonwealth Transportation Commissioner; evidence of value of property.

Patron—Drake

Referred to Committee on Transportation

Be it enacted by the General Assembly of Virginia:

1. That § 33.1-98 of the Code of Virginia is amended and reenacted as follows:

§ 33.1-98. Procedure in general; suits in name of Commissioner; survival; validation of suits.

A. Proceedings for condemnation under this article shall be instituted and conducted in accordance with the procedures provided in Chapter 1.1 (§ 25-46.1 et seq.) of Title 25, except that the provisions of §§ 33.1-119 through 33.1-132 shall be applicable to such proceedings.

B. All suits shall be instituted and conducted in the name of the Commonwealth Transportation Commissioner as petitioner without naming the individual who may be such Commissioner or acting Commissioner. In the event of the death, removal, retirement or resignation of the Commissioner or acting Commissioner, the suit shall automatically survive to a successor Commissioner or acting Commissioner, as the case may be. All suits heretofore filed in accordance with the provisions of this section are hereby ratified, validated and confirmed.

C. *If the Commonwealth has acquired defeasible title to property by filing a certificate as provided in § 33.1-122, then in any condemnation proceeding pursuant to this article the Commissioner shall not offer evidence that the value of the property taken, or the damages to the property, is less than the amount (i) paid into court as the estimated fair value of the property and any damage done, as provided in § 33.1-120 or (ii) represented by a certificate filed with the court with respect to the property, as provided in § 33.1-121.*

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