

2004 SESSION

INTRODUCED

047723548

HOUSE BILL NO. 1113

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend the Code of Virginia by adding a section numbered 8.01-38.2, relating to limitation of recovery against a public transit company.

Patron—Weatherholtz

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-38.2 as follows:

§ 8.01-38.2. Limitation on recovery against a public transportation operator.

A. In any action for personal injury or wrongful death against a public transportation operator domiciled in the Commonwealth that is not barred by the doctrine of immunity, the total amount recoverable as a verdict or judgment shall not exceed \$2 million for the death of or injury to one person.

B. For the purposes of this section (i) "public transportation operator" means any political subdivision as defined in § 15.2-2701, or any other entity, that (a) provides transportation services to the general public on roads in the Commonwealth and (b) is funded in whole or in part by public funds; and (ii) "domiciled in the Commonwealth" means so domiciled at the time of the act or acts of negligence.

C. This section shall apply to those causes of action that accrue on or after July 1, 2003. This section shall not affect any defense of immunity applicable to a public transportation operator.

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