

2004 SESSION

INTRODUCED

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HOUSE BILL NO. 1222

Offered January 14, 2004

Prefiled January 14, 2004

A BILL to amend and reenact § 8.01-36 of the Code of Virginia, relating to damages for expenses incurred in caring for minors.

Patrons—Spruill; Senators: Lucas and Miller

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-36 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-36. Joinder of action of tort to infant with action for recovery of expenses incurred thereby.

Where there is pending any action by an infant plaintiff against a tort-feasor for a personal injury, any parent, or guardian of such infant, who is entitled to recover from the same tort-feasor the expenses of curing or attempting to cure such infant from the result of such personal injury, may bring an action against such tort-feasor for such expenses, *including compensation for any time the parent or guardian was required to take as leave from employment to transport the child for the purposes of receiving medical services and any travel expenses related thereto*, in the same court where such infant's case is pending, either in the action filed in behalf of the infant or in a separate action. If the claim for expenses be by separate action, upon motion of any party to either case, made to the court at least one week before the trial, both cases shall be tried together at the same time as parts of the same transaction. But separate verdicts when there is a jury trial shall be rendered, and the judgment shall distinctly separate the decision and judgment in the separate causes of action.

In the event of the cases being carried to the Supreme Court, which may be done if there be the jurisdictional amount in either case, they shall both be carried together as one case and record, but the Supreme Court shall clearly specify the decision in each case, separating them in the decision to the extent necessary to do justice among the parties.

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