

# 2004 SESSION

INTRODUCED

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## HOUSE BILL NO. 1223

Offered January 14, 2004

Prefiled January 14, 2004

*A BILL to amend and reenact § 8.01-417 of the Code of Virginia, relating to disclosure of insurance liability limits.*

Patrons—Spruill; Senators: Lucas and Miller

Referred to Committee for Courts of Justice

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

#### **1. That § 8.01-417 of the Code of Virginia is amended and reenacted as follows:**

§ 8.01-417. Copies of written statements or transcriptions of verbal statements by injured person to be delivered to him.

A. Any person who takes from a person who has sustained a personal injury a signed written statement or voice recording of any statement relative to such injury shall deliver to such injured person a copy of such written statement forthwith or a verified typed transcription of such recording within ~~thirty~~ 30 days from the date such statement was given or recording made, when and if the statement or recording is transcribed or in all cases when requested by the injured person or his attorney.

B. Prior to filing a civil action for personal injuries sustained as a result of a motor vehicle accident, an attorney for the injured person may request from any insurer, as defined in § 38.2-100, the liability limits provided by any insurance agreement as described in Rule 4:1(b)(2), Rules of the Supreme Court of Virginia. The attorney shall, prior to or at the time of the request, provide to the insurer written notice of his representation of the injured person. The insurer shall make written disclosure of the liability limits no later than 30 days after receipt of the request. The insurer shall make the disclosure by sending a copy of the declarations page of the insurance agreement or its equivalent setting forth the limits of liability. The insurer shall make the disclosure regardless of whether the insurer contests the applicability of the insurance agreement to the injured person's claim. Information concerning the insurance agreement is not by reason of disclosure pursuant to this subsection admissible as evidence at any trial involving the claim. Nothing in this subsection shall be deemed to abrogate the provisions of Rule 4:1(b)(2) of the Rules of the Supreme Court of Virginia.

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