

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 8.01-6 of the Code of Virginia, relating to amending pleadings; notice*
3 *to agent.*

4
5 Approved

[S 118]

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 8.01-6 of the Code of Virginia is amended and reenacted as follows:**

8 § 8.01-6. Amending pleading; relation back to original pleading.

9 A misnomer in any pleading may, on the motion of any party, and on affidavit of the right name, be
10 amended by inserting the right name. An amendment changing the party against whom a claim is
11 asserted, whether to correct a misnomer or otherwise, relates back to the date of the original pleading if
12 (i) the claim asserted in the amended pleading arose out of the conduct, transaction, or occurrence set
13 forth in the original pleading ~~and~~, (ii) within the limitations period prescribed for commencing the action
14 against the party to be brought in by the amendment, that party *or its agent* received ~~such~~ notice of the
15 institution of the action, (iii) that ~~he~~ *party* will not be prejudiced in maintaining a defense on the merits,
16 and ~~he~~ (iv) *that party* knew or should have known that but for a mistake concerning the identity of the
17 proper party, the action would have been brought against ~~him~~ *that party*.

ENROLLED

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