

048398800

## SENATE BILL NO. 630

Senate Amendments in [ ] — February 9, 2004

*A BILL to amend and reenact §§ 16.1-88.03 and 55-246.1 of the Code of Virginia, relating to pleadings and other papers and recovery of rent or possession by parties not represented by attorneys.*

Patron Prior to Engrossment—Senator Quayle

Referred to Committee for Courts of Justice

**Be it enacted by the General Assembly of Virginia:****1. That §§ 16.1-88.03 and 55-246.1 of the Code of Virginia are amended and reenacted as follows:**

§ 16.1-88.03. Pleadings and other papers by certain parties not represented by attorneys.

A. Any corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, when the amount claimed in any civil action pursuant to subsection (1) or (3) of § 16.1-77 does not exceed the jurisdictional amounts authorized in such subsections, exclusive of interest, may prepare, execute, file, and have served on other parties in any proceeding in a general district court a warrant in debt, motion for judgment, warrant in detinue, distress warrant, summons for unlawful detainer, counterclaim, crossclaim, suggestion for summons in garnishment, garnishment summons, writ of possession, writ of fieri facias, interpleader and civil appeal notice without the intervention of an attorney. Such papers may be signed by a corporate officer, a manager of a limited liability company, a general partner of any form of partnership or a trustee of any business trust, *or such corporate officer, with the approval of the board of directors, or manager, general partner or trustee may authorize [ a bona fide in writing an ] employee, a person licensed under the provisions of § 54.1-2106.1, [ or ] a property manager [ , or a managing agent of a landlord as defined in § 55-248.4 ] to sign such papers as the agent of the business entity.* However, this section shall not apply to an action under § 16.1-77 (1) or (3) which was assigned to a corporation, partnership, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust, or individual solely for the purpose of enforcing an obligation owed or right inuring to another.

B. Nothing in this section shall allow a nonlawyer to file a bill of particulars or grounds of defense or to argue motions, issue a subpoena, rule to show cause, or capias; file or interrogate at debtor interrogatories; or to file, issue or argue any other paper, pleading or proceeding not set forth in subsection A.

C. The provisions of § 8.01-271.1 shall apply to any pleading, motion or other paper filed or made pursuant to this section.

§ 55-246.1. Who may recover rent or possession.

Notwithstanding any rule of court to the contrary, (i) any person licensed under the provisions of § 54.1-2106.1 ~~or resident~~, (ii) any property manager [ , or a managing agent of a landlord as defined in § 55-248.4 ] ~~employed by such person~~, or (iii) any [ ~~bona fide~~ ] employee, who is authorized [ in writing ] by a corporate officer with the approval of the board of directors, or by a manager, a general partner or a trustee, of a partnership, association, corporation, limited liability company, limited partnership, professional corporation, professional limited liability company, registered limited liability partnership, registered limited liability limited partnership or business trust *to sign pleadings as the agent of the business entity* may obtain a judgment (i) for possession in the general district court for the county or city wherein the premises, or part thereof, is situated or (ii) for rent or damages in any general district court where venue is proper under § 8.01-259, against any defendant who fails to appear in person or by counsel and is in default if the person seeking such judgment had a contractual agreement with the landlord to manage the premises for which rent or possession is due.

ENGROSSED

SB630E