

078926780

SENATE BILL NO. 1126

Offered January 10, 2007

Prefiled January 9, 2007

A BILL to amend and reenact §§ 8.01-43 and 8.01-44 of the Code of Virginia, relating to damage to property by a minor.

Patrons—Norment; Delegate: Rapp

Referred to Committee for Courts of Justice

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

**1. That §§ 8.01-43 and 8.01-44 of the Code of Virginia are amended and reenacted as follows:**

§ 8.01-43. Action against parent for damage to public property by minor.

The Commonwealth, acting through the officers having charge of the public property involved, or the governing body of a county, city, town, or other political subdivision, or a school board may institute an action and recover from the parents or either of them of any minor living with such parents or either of them for damages suffered to public property by reason of the willful or malicious destruction of, or damage to, public property actions by such minor to the full extent of the damages suffered, provided that it be shown that the parents failed in their duty to exercise control of the child as set forth in § 8.01-44. No more than \$2,500 may be recovered from such parents or either of them as a result of any incident or occurrence on which such action is based.

§ 8.01-44. Action against parent for injury to person or property by minor.

A parent is under the duty to exercise reasonable care to control his minor child so as to prevent the child from intentionally destroying or damaging property or from harming or injuring others or conducting himself so as to create an unreasonable risk of bodily harm to others, if the parent (i) knows or has reason to know that he has the ability to control his child, and (ii) knows or has reason to know of the necessity and opportunity for exercising such control. The owner of any property or the injured party may institute an action and recover from the parents, or either of them, of any minor living with such parents, or either of them, for damages suffered by reason of the willful or malicious destruction of, or damage to, such property actions by such minor to the full extent of the damages suffered, provided that it be shown that the parents failed in their duty to exercise control of the child. No more than \$2,500 may be recovered from such parents, or either of them, as a result of any incident or occurrence on which such action is based. Any recovery from the parent or parents of such minor shall not preclude full recovery from such minor except to the amount of the recovery from such parent or parents. The provisions of this statute shall be in addition to, and not in lieu of, any other law imposing upon a parent liability for the acts of his minor child.

INTRODUCED

SB1126