

# 2008 SESSION

## HOUSE SUBSTITUTE

081493776

### HOUSE BILL NO. 264

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on February 1, 2008)

(Patron Prior to Substitute—Delegate Ware, O.)

A *BILL to amend and reenact § 55-218.1 of the Code of Virginia, relating to where service shall be sent.*

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

**1. That § 55-218.1 of the Code of Virginia is amended and reenacted as follows:**

§ 55-218.1. Appointment of resident agent by nonresident property owner; service of process, etc., on such agent or on Secretary of the Commonwealth.

Any nonresident person as the term "person" is defined in § 55-248.4 of this title of ~~this the~~ Commonwealth who owns and leases residential or commercial real property consisting of four or more units within a county or city in ~~this the~~ Commonwealth shall have and continuously maintain an agent who is a resident and maintains a business office within ~~this the~~ Commonwealth. Every lease executed by or on behalf of nonresident property owners regarding any such real property shall specifically designate such agent and the agent's office address for the purpose of service of any process, notice, order or demand required or permitted by law to be served upon such property owner.

Whenever any nonresident property owner fails to appoint or maintain an agent, as required herein, or whenever his agent cannot with reasonable diligence be found, then the Secretary of the Commonwealth shall be an agent of the nonresident property owner upon whom may be served any process, notice, order or demand. Service may be made on the Secretary or any of his staff at his office who shall forthwith cause it to be sent by registered or certified mail addressed to the property owner at his address as shown on the ~~lease~~ *official tax records maintained by the locality where the property is located.*

The name and office address of the agent appointed as provided herein shall be filed in the office of the clerk of the court in which deeds are recorded in the county or city wherein the property lies. Recordation shall be in the same book as certificates of fictitious names are recorded as provided by § 59.1-74 for which the clerk shall be entitled to a fee of \$10.

No nonresident property owner shall maintain an action in the courts of ~~this the~~ Commonwealth concerning property for which a designation is required hereunder until such designation has been filed.

HOUSE  
SUBSTITUTE

HB264H2