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HOUSE BILL NO. 1999

Offered January 14, 2009

Prefiled January 13, 2009

A BILL to amend and reenact §§ 8.01-43 and 8.01-44 of the Code of Virginia, relating to parental liability for damage to property or injury to a person by a minor.

Patron—Vanderhye

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 by reason of the willful or malicious destruction of, or damage to, public property by such minor. ~~No more than \$2,500~~ Actual damages or \$5,000, whichever is less, may be recovered from such parents or either of them as a result of any incident or occurrence on which such action is based, provided that it is shown that the parents failed in their duty to exercise control of the child as set forth in § 8.01-44.

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

A parent is under the duty to exercise reasonable care to control his minor child so as to prevent the child from willfully or maliciously (i) destroying or damaging property or (ii) injuring others, if the parent knows or has reason to know of the necessity to exercise such control and has the ability to control his child. 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 resulting in destruction of property, damage to property, or injury to a person. ~~No more than \$2,500~~ Actual damages or \$5,000, whichever is less, may be recovered from such parents, or either of them, as a result of any incident or occurrence on which such action is based, provided that it is shown that the parents failed in their duty to exercise control of the child. 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

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