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HOUSE BILL NO. 229

House Amendments in [] — January 26, 2012

A BILL to amend and reenact § 55-37 of the Code of Virginia, relating to doctrine of necessities.

Patron Prior to Engrossment—Delegate Habeeb

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 55-37 of the Code of Virginia is amended and reenacted as follows:**

§ 55-37. Spouse not responsible for other spouse's contracts, etc.; mutual liability for necessities; responsibility of personal representative.

Except as otherwise provided in this section, a spouse shall not be responsible for the other spouse's contract or tort liability to a third party, whether such liability arose before or after the marriage. The doctrine of necessities as it existed at common law shall apply equally to both spouses, except where they are permanently living separate and apart, but shall in no event create any liability between such spouses as to each other. No lien arising out of a judgment under this section shall attach to the judgment debtors' principal residence held by them as tenants by the entireties *or that was held by them as tenants by the entireties [immediately] prior to the death of either spouse [where the tenancy terminated as a result of the death of either spouse]* .

ENGROSSED

HB229E