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SENATE BILL NO. 245

Offered January 8, 2014

Prefiled January 3, 2014

A *BILL to amend and reenact § 64.2-454 of the Code of Virginia, relating to qualification of administrator in action for wrongful death or personal injury.*

Patron—McEachin

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 64.2-454 of the Code of Virginia is amended and reenacted as follows:

§ 64.2-454. Appointment of administrator for prosecution of action for personal injury or wrongful death against or on behalf of estate of deceased resident or nonresident.

An administrator may be appointed in any case in which it is represented that a civil action for personal injury or death by wrongful act arising within the Commonwealth is contemplated against or on behalf of the estate or the beneficiaries of the estate of a resident or nonresident of the Commonwealth who has died within or outside the Commonwealth if an executor of the estate has not been appointed, solely for the purpose of prosecution of such action, by the clerk of the circuit court in the county or city in which jurisdiction and venue would have been properly laid for such action if the person for whom the appointment is sought had survived.

If a nonresident fiduciary has been appointed in a foreign jurisdiction, the nonresident fiduciary may qualify as administrator. The appointment of a nonresident fiduciary in a foreign jurisdiction shall not preclude a resident or nonresident from qualifying as an administrator for the purposes of maintaining a wrongful death action pursuant to § 8.01-50 or a personal injury action in the Commonwealth.

A resident and nonresident may be appointed as coadministrators.

INTRODUCED

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