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HOUSE BILL NO. 1350

Offered January 14, 2015

Prefiled December 2, 2014

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

Patron—Habeeb

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 *at least 60 days have elapsed since the decedent's death and* an executor *or administrator* of the estate has not been appointed *under § 64.2-500 or 64.2-502*, 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 fiduciary has been appointed in a foreign jurisdiction, the fiduciary may qualify as administrator. The appointment of a 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

HB1350