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SENATE BILL NO. 963

Offered January 14, 2015

Prefiled January 9, 2015

A BILL to amend and reenact §§ 64.2-454 and 64.2-1301 of the Code of Virginia, relating to actions for personal injury and wrongful death; appointment of administrator.

Patron—Stanley

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That §§ 64.2-454 and 64.2-1301 of the Code of Virginia are 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 *either* a civil action for personal injury or death by wrongful act, *or both*, 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. *The clerk shall authorize such administrator to prosecute actions for both personal injury and death by wrongful act.*

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.

§ 64.2-1301. When inventory and settlement not required.

An inventory under § 64.2-1300 or a settlement under § 64.2-1206 shall not be required of a personal representative who qualifies ~~for the sole purpose of bringing an action under § 8.01-50 pursuant to § 64.2-454.~~ However, *if funds are recovered under § 8.01-25, the personal representative shall file the inventory required by § 64.2-1300 and the statement required by § 64.2-1206 within four months of the date of recovery of such funds. If funds are recovered under § 8.01-50, and if there is no surviving relative designated as a beneficiary under § 8.01-53 and the circuit court directs that the funds recovered in such action be paid to the personal representative for distribution according to law, the personal representative shall file the inventory required in § 64.2-1300 and the statement required under § 64.2-1206 within four months of the entry of the order by the circuit court.*

INTRODUCED

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