

VIRGINIA ACTS OF ASSEMBLY -- 2016 SESSION

CHAPTER 265

An Act to amend and reenact § 25.1-227.2 of the Code of Virginia, relating to commissioners in eminent domain proceedings.

[S 109]

Approved March 7, 2016

Be it enacted by the General Assembly of Virginia:

1. That § 25.1-227.2 of the Code of Virginia is amended and reenacted as follows:

§ 25.1-227.2. Empanelment of commissioners.

A. The parties to the eminent domain proceeding may agree upon five or nine persons qualified to act as commissioners, as provided in subsection B of § 25.1-227.1.

B. If the parties cannot agree upon five or nine qualified persons to act as commissioners, then each party shall present to the court a list containing the names of at least six qualified persons. If any party fails to submit such a list of names, the court may, in its discretion, submit such a list on such party's behalf.

C. From the lists submitted pursuant to subsection B, the court shall select the names of nine potential commissioners and at least two alternates. At least ~~one week~~ 30 days prior to their service, such persons shall be summoned to appear.

D. If nine qualified persons are selected, the petitioner and the owners shall each have two peremptory challenges and the remaining five shall serve as commissioners. If five qualified persons are agreed upon as provided in subsection A, they shall serve as commissioners.

E. If an owner has filed no answer to the petition, and the court finds that the owner is not represented by counsel, the court may, in its discretion, and subject to the right of the petitioner to challenge for cause, subpoena five persons who shall serve as commissioners.

F. Any three or more of the five commissioners may act.

G. In condemnation proceedings instituted by the Commissioner of Highways, a person owning structures or improvements for which an outdoor advertising permit has been issued by the Commissioner of Highways pursuant to § 33.2-1208 shall be deemed to be an "owner" for purposes of this section.