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SENATE BILL NO. 380

Offered January 10, 2018

Prefiled January 9, 2018

A BILL to amend and reenact § 55-36 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 8.01-38.2, relating to personal injury claims; loss of consortium claims by certain relatives.

Patron—Chafin

Referred to Committee on Commerce and Labor

Be it enacted by the General Assembly of Virginia:

1. That § 55-36 of the Code of Virginia is amended and reenacted and that the Code of Virginia is amended by adding a section numbered 8.01-38.2 as follows:

§ 8.01-38.2. Personal injury; loss of consortium claims by certain relatives.

A. The spouse of a person who suffers personal injuries as a result of negligence shall have a cause of action for loss of consortium and may recover damages for the following:

- 1. Loss of services;
2. Loss of society and companionship;
3. Lost wages of the spouse caused or necessitated by caring for the injured person or the minor children of the injured person; and
4. Loss of sexual relations.

B. The parent of a minor child who suffers personal injuries as a result of negligence shall have a cause of action for loss of consortium and may recover damages for the following:

- 1. Loss of services;
2. Loss of society and companionship; and
3. Lost wages of the parent caused or necessitated by caring for the injured minor child.

C. The adult child of a person who suffers personal injuries as a result of negligence shall have a cause of action for loss of consortium and may recover damages for the following:

- 1. Loss of services;
2. Loss of society and companionship; and
3. Lost wages of the adult child caused or necessitated by caring for the injured person.

D. Such causes of action may be brought independently or together with such injured party's cause of action.

§ 55-36. Contracts of, and suits by and against, married women.

A married woman may contract and be contracted with and sue and be sued in the same manner and with the same consequences as if she were unmarried, whether the right or liability asserted by or against her accrued heretofore or hereafter. In an action by a married woman to recover for a personal injury inflicted on her she may recover the entire damage sustained including the personal injury and expenses arising out of the injury, whether chargeable to her or her husband, notwithstanding the husband may be entitled to the benefit of her services about domestic affairs and consortium, and any sum recovered therein shall be chargeable with expenses arising out of the injury, including hospital, medical and funeral expenses, and any person, including the husband, partially or completely discharging such debts shall be reimbursed out of the sum recovered in the action, whensoever paid, to the extent to which such payment was justified by services rendered or expenses incurred by the obligee, provided, however, that written notice of such claim for reimbursement, and the amount and items thereof, shall have been served on such married woman and on the defendant prior to any settlement of the sum recovered by her; and no action for such injury, expenses or loss of services or consortium shall be maintained by the husband.

INTRODUCED

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