

2018 SESSION

INTRODUCED

18103488D

SENATE BILL NO. 616

Offered January 10, 2018

Prefiled January 10, 2018

A BILL to amend the Code of Virginia by adding in Chapter 1 of Title 8.01 a section numbered 8.01-4.4, relating to waiver of immunity; insurance coverage.

Patron—Surovell

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 8.01 a section numbered 8.01-4.4 as follows:

§ 8.01-4.4. *Waiver of immunity; persons covered by insurance policy.*

No person sued in any civil cause of action who is immune from liability under any theory of immunity granted under Virginia law, including sovereign, charitable, and statutory immunity, and whose actions that gave rise to the civil cause of action, but for such immunity, would be covered by an insurance policy held by such person, shall be permitted to claim such immunity until the amount the person is liable for exceeds the limits of the insurance policy that could be applied against the claim. The limitations provided in this section in no way limit any other grounds for defense that exist at law or in equity for such person.

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