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SENATE BILL NO. 659

Offered January 8, 2020

Prefiled January 7, 2020

A BILL to amend the Code of Virginia by adding a section numbered 8.01-63.1, relating to contributory negligence; motor vehicle accident involving a pedestrian.

Patron—Surovell

Referred to Committee on the Judiciary

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-63.1 as follows:

§ 8.01-63.1. Motor vehicle accident involving a pedestrian, bicyclist, etc.

A. The negligence of a pedestrian, bicyclist, or other person lawfully using a device other than a motor vehicle, as defined in § 46.2-100, on a public highway who is involved in a collision with a motor vehicle shall not bar the plaintiff's recovery in any civil action unless the plaintiff's negligence is (i) a proximate cause of the plaintiff's injury and (ii) greater than the aggregated total amount of negligence of all the defendants that proximately caused the plaintiff's injury.

B. Nothing in this section shall be construed to change or affect the doctrine of joint and several liability or the last clear chance doctrine.

INTRODUCED

SB659