

2021 SPECIAL SESSION I

INTRODUCED

21101459D

HOUSE BILL NO. 2073

Offered January 13, 2021

Prefiled January 12, 2021

A BILL to amend and reenact § 8.01-244 of the Code of Virginia, relating to wrongful death statute of limitations; criminal investigations by law enforcement.

Patrons—Convirs-Fowler, Levine and Miyares

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-244 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-244. Actions for wrongful death; limitation.

A. Notwithstanding the provisions of *subsection B of § 8.01-229 B*, if a person entitled to bring an action for personal injury dies as a result of such injury with no such action pending before the expiration of the limitations period set forth in § 8.01-243, then an action under § 8.01-50 may be commenced within the time limits specified in subsection B ~~of this section~~.

B. Every action under § 8.01-50 shall be brought by the personal representative of the decedent within two years after the death of the injured person, *or within two years of the conclusion of a criminal investigation by law enforcement of such death, if applicable*. If any such action is brought within such period of two years after such person's death and for any cause abates or is dismissed without determining the merits of such action, the time such action is pending shall not be counted as any part of such period of two years and another action may be brought within the remaining period of such two years as if such former action had not been instituted. However, if a plaintiff suffers a voluntary nonsuit pursuant to § 8.01-380, the nonsuit shall not be deemed an abatement nor a dismissal pursuant to this subsection, and the provisions of subdivision E 3 of § 8.01-229 shall apply to such a nonsuited action.

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