

LD4027358

HOUSE BILL NO. 228

Offered January 17, 1994

A *BILL to amend and reenact § 34-28.1 of the Code of Virginia, relating to personal injury and wrongful death exemptions from creditor process.*

Patrons—Mims, Cohen, Davies, Jackson, McDonnell, Miller, Reynolds, Robinson and Woodrum;
Senators: Reasor and Trumbo

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That § 34-28.1 of the Code of Virginia is amended and reenacted as follows:**

§ 34-28.1. Personal injury and wrongful death actions exempt.

Except for liens created under Article 7.1 (§ 8.01-66.2 et seq.) of Title 8.01 and Article 5 (§ 54.1-3932 et seq.) of Title 54.1, all causes of action for personal injury *or wrongful death* and the proceeds derived from court award or settlement shall be exempt from creditor process against the injured person *or statutory beneficiary as defined in Article 5 (§ 8.01-50 et seq.) of Title 8.01*. It shall not be required that a householder designate any property exempt under this section in a deed in order to secure such exemption. The provisions of this section shall not be construed to affect any voluntary assignment of the proceeds or anticipated proceeds of a personal injury *or wrongful death* award or settlement as permitted by § 8.01-26.

INTRODUCED

HB228