

LD0890722

SENATE BILL NO. 167

Offered January 20, 1994

A *BILL* to amend and reenact §§ 26-12.2 and 64.1-75.1 of the Code of Virginia, relating to appointment of personal representative for personal injury or wrongful death action.

Patron—Norment

Referred to the Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:**1. That §§ 26-12.2 and 64.1-75.1 of the Code of Virginia are amended and reenacted as follows:****§ 26-12.2. When inventory and settlement not required.**

An inventory under § 26-12 or a settlement under § 26-17 shall not be required of a personal representative who qualifies for the sole purpose of bringing an action under § 8.01-50 *or defending an action for personal injury or for wrongful death under § 8.01-50*. However, if there ~~be~~ is no surviving relative designated as a beneficiary under § 8.01-53 and the court directs that the funds recovered in such action be paid to the personal representative for distribution according to law, such personal representative shall file the inventory required in § 26-12 and the statement required under § 26-17. *Any fee allowed a personal representative who qualifies solely for the purpose of defending an action as specified in this section shall be paid first from any estate owned by the decedent and, if there is no such estate or the estate is insufficient, from any recovery made by the plaintiff in the action under a policy of insurance owned by the decedent or, in cases of uninsured motorists, the plaintiff.*

§ 64.1-75.1. Appointment of administrator for prosecution of action for personal injury or wrongful death against estate of deceased nonresident.

In any case in which it is represented that an action at law for personal injury or death by wrongful act upon a cause of action arising within this Commonwealth is contemplated against the estate of a person who has died within or without this Commonwealth and who was a nonresident of this Commonwealth, an administrator of such person may be appointed, solely for the purpose of prosecution of said suit, by the clerk of the court having jurisdiction for the probate of wills in the county or city in which jurisdiction and venue would have been properly laid for such action in the same manner as if the person for whom the appointment thereof is sought had survived . *If the decedent was a resident of the Commonwealth, a personal representative may qualify as provided in § 26-12 .*

INTRODUCED

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