

VIRGINIA ACTS OF ASSEMBLY -- 1997 SESSION

CHAPTER 424

An Act to amend and reenact § 8.01-262.1 of the Code of Virginia, relating to construction contracts.

[H 2869]

Approved March 15, 1997

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-262.1 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-262.1. Place for bringing action under a contract related to construction.

A. Where a ~~contractor or subcontractor~~ party whose principal place of business is in the Commonwealth enters into a contract on or after July 1, ~~1991~~ 1997, to *design, manage construction of, construct, alter, repair, maintain, move, demolish, or excavate, or supply goods, equipment, or materials for the construction, alteration, repair, maintenance, movement, demolition, or excavation of a building, structure, appurtenance, road, bridge, or tunnel* which is physically located in the Commonwealth, a *any* cause of action arising under such contract may be brought in the jurisdiction where the ~~work is to be performed, notwithstanding any contract provision to the contrary~~ *construction project is located, or such other jurisdiction where the venue is proper under the provisions of this chapter.*

B. The forum for any arbitration proceedings required in such a contract entered into on or after July 1, 1991, shall be in this Commonwealth. If the contract provides for arbitration proceedings outside the Commonwealth, such provision is unenforceable and arbitration proceedings shall be in the county or city where the work is to be performed, unless the parties agree to conduct the proceedings elsewhere within the Commonwealth. The enforceability of the remaining provisions of the arbitration agreement and the method of selecting a forum for the conduct of the arbitration proceedings are as provided in this Code, the Federal Arbitration Act, and any applicable rules of arbitration.