

VIRGINIA ACTS OF ASSEMBLY -- 1998 SESSION

CHAPTER 723

An Act to amend and reenact § 8.01-513 of the Code of Virginia, relating to service upon corporations.

[H 1145]

Approved April 16, 1998

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-513 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-513. Service upon corporation.

If the person upon whom there is a suggestion of liability as provided in § 8.01-511 is a corporation, the summons shall be served upon *an officer, an employee designated by the corporation other than an officer of the corporation, or, if there is no designated employee or the designated employee cannot be found, upon a managing employee of the corporation other than an officer of the corporation. If the judgment creditor or his attorney files with the court a certificate that he has used due diligence and that (i) no such officer or employee or other person authorized to accept such service can be found within the Commonwealth or (ii) such designated or managing employee found is also the judgment debtor, then such summons shall be served on the registered agent of the corporation or upon the clerk of the State Corporation Commission as is otherwise provided by law in §§ 13.1-637, 13.1-766, 13.1-836 and 13.1-928. However, service on the corporation shall not be made upon a designated or managing employee who is also the judgment debtor. If the corporation intends to designate an employee for service, the corporation shall file a designation with the State Corporation Commission.*

2. That an emergency exists and this act is in force from its passage.