

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend the Code of Virginia by adding a section numbered 8.01-6.2, relating to amendment*
3 *of pleading; relation back to original pleading; confusion in trade name.*

4 [H 2582]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 8.01-6.2 as follows:**8 *§ 8.01-6.2. Amendment of pleading; relation back to original pleading; confusion in trade name.*

9 *A. A pleading which states a claim against a party whose trade name or corporate name is*
10 *substantially similar to the trade name or corporate name of another entity may be amended at any time*
11 *by inserting the correct party's name, if such party or its agent had actual notice of the claim prior to*
12 *the expiration of the statute of limitations for filing the claim.*

13 *B. In the event that suit is filed against the estate of a decedent, and filed within the applicable*
14 *statute of limitations, naming the proper name of estate of the deceased and service is effected or*
15 *attempted on an individual or individuals as executor, administrator or other officers of the estate, such*
16 *filing tolls the statute of limitations for said claim in the event the executor, administrator or other*
17 *officers of the estate are unable to legally receive service at the time service was attempted, or defend*
18 *suit because their authority as executor, administrator or other officer of the estate excludes defending*
19 *said actions, or their duties as executor, administrator or other officer of the estate had expired at the*
20 *time of service or during the time of defending said action.*

ENROLLED

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