

2010 SESSION

INTRODUCED

10103790D

HOUSE BILL NO. 738

Offered January 13, 2010

Prefiled January 12, 2010

A BILL to amend the Code of Virginia by adding in Chapter 1 of Title 8.01 a section numbered 8.01-4.4, relating to direct notification to claimants.

Patron—Albo

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 1 of Title 8.01 a section numbered 8.01-4.4 as follows:

§ 8.01-4.4. Certain persons paying claims to claimants' attorneys to provide notice directly to claimants.

Any person or entity represented by counsel, and any insurer whether or not represented by counsel, making or delivering a payment of \$5,000 or more on a claim or judgment based on contract, tort, or otherwise, whether in full or partial settlement or satisfaction of such claim or judgment, to an attorney representing the claimant shall provide to the claimant a copy of the check or other form of payment, along with a written statement that indicates only that the payment has been sent to the claimant's attorney in connection with the claim or judgment, and that any questions should be directed to the claimant's attorney. No other information is authorized by this section to be communicated orally or in writing to such a claimant by a payer. The notice required by this section shall be sent by United States mail or by overnight courier contemporaneously with the mailing or delivery of the check or other form of payment to the attorney, and shall be sent to the last known address of the claimant, and the payer shall contemporaneously send a copy thereof by the same means to the claimant's attorney. Nothing in this section shall (i) create any cause of action for any person or entity based upon a failure to provide the required notice or upon defective notice; (ii) establish a defense for any party to any cause of action based upon a failure to provide notice or upon a defective notice; or (iii) invalidate or in any way affect the settlement for which the payment was made.

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