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HOUSE BILL NO. 651

Offered January 8, 2020

Prefiled January 6, 2020

A BILL to amend and reenact § 8.01-422 of the Code of Virginia, relating to statutory recoupment.

Patron—Hope

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-422 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-422. Pleading recoupment.

In any action on a contract, the defendant may file a pleading, alleging any matter *arising under the contract* which would entitle him to relief in equity *or at law*, including (i) *failure in the consideration of such contract*, (ii) *fraud in such contract's procurement*, (iii) *breach of any other provision of such contract*, (iv) *breach of any duty imposed upon the plaintiff by law in the making or performance of such contract*, or (v) *any other matter arising under such contract that would entitle the defendant to recover damages from the plaintiff, or the person under whom the plaintiff claims*, in whole or in part, against the obligation of the contract; or, if the contract be by deed, alleging any such matter arising under the contract, existing before its execution, or any such mistake therein, or in the execution thereof, or any such other matter *arising under the contract* as would entitle him to such relief in equity *or at law*; and in either case alleging the amount to which he is entitled by reason of the matters contained in the pleading. If the amount claimed by the defendant ~~exceed~~ *exceeds* the amount of the plaintiff's claim, the court *or jury* may, in a proper case, give judgment in favor of the defendant for such excess.

INTRODUCED

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