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**SENATE BILL NO. 659**

Offered January 8, 2020

Prefiled January 7, 2020

A *BILL to amend the Code of Virginia by adding a section numbered 8.01-63.1, relating to contributory negligence; motor vehicle accident involving a pedestrian.*

Patron—Surovell

Referred to Committee on the Judiciary

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 8.01-63.1 as follows:**

**§ 8.01-63.1. Motor vehicle accident involving a pedestrian, bicyclist, etc.**

*A. The negligence of a pedestrian, bicyclist, or other person lawfully using a device other than a motor vehicle, as defined in § 46.2-100, on a public highway who is involved in a collision with a motor vehicle shall not bar the plaintiff's recovery in any civil action unless the plaintiff's negligence is (i) a proximate cause of the plaintiff's injury and (ii) greater than the aggregated total amount of negligence of all the defendants that proximately caused the plaintiff's injury.*

*B. Nothing in this section shall be construed to change or affect the doctrine of joint and several liability or the last clear chance doctrine.*

INTRODUCED

SB659