

2021 SPECIAL SESSION I

HOUSE SUBSTITUTE

21200799D

HOUSE BILL NO. 2193

AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the Joint Conference Committee
on February 27, 2021)

(Patron Prior to Substitute—Delegate Leftwich)

A *BILL to amend the Code of Virginia by adding in Chapter 16 of Title 8.01 a section numbered 8.01-425.2, relating to settlement agreements; certain cases in the general district court; staying of dismissal.*

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding in Chapter 16 of Title 8.01 a section numbered 8.01-425.2 as follows:

§ 8.01-425.2. *Settlement agreements; certain cases in the general district court; staying of dismissal.*

A. *In any case in the general district court in which a plaintiff or counterclaim plaintiff is seeking a civil judgment against a defendant or counterclaim defendant, if the parties enter into a written settlement agreement, upon request of such parties, a dismissal of such case shall be stayed to a date certain, not longer than five years, to allow for full compliance with such settlement agreement.*

B. *If the defendant or counterclaim defendant complies with the terms of such settlement agreement by the date set pursuant to subsection A, it shall be the duty of the plaintiff or counterclaim plaintiff, himself, or by his duly authorized attorney or other agent, to file a notice of dismissal with the court indicating that the defendant or counterclaim defendant has complied with the terms of such settlement agreement and the claim has been resolved in full. Such dismissal shall be treated as a dismissal with prejudice in full satisfaction of the claim. In the event that the terms of the settlement agreement have not been complied with by the date set pursuant to subsection A, it shall be the obligation of the plaintiff or counterclaim plaintiff to file a disposition with the court in the form of a nonsuit or a dismissal.*

C. *If the defendant or counterclaim defendant is in default of any term of such written settlement agreement, the plaintiff or counterclaim plaintiff may file a motion to enforce the terms of such settlement agreement through entry of judgment or other appropriate relief.*

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