

2023 SESSION

INTRODUCED

23100146D

HOUSE BILL NO. 1431

Offered January 11, 2023

Prefiled December 16, 2022

A BILL to amend the Code of Virginia by adding a section numbered 8.01-34.1, relating to contributory negligence bar; abolished.

Patron—Scott, P.A. (By Request)

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 a section numbered 8.01-34.1 as follows:

§ 8.01-34.1. Civil action; negligence of the plaintiff not absolute bar to recovery.

In any action for injury, wrongful death, or property damage, the negligence of a plaintiff shall not automatically bar plaintiff's recovery in such 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. Any damages recoverable by the plaintiff shall be diminished by an amount that is proportionately equal to the percentage of negligent conduct of the plaintiff.

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