

Kalbaugh, Pfund & Messersmith, P.C., is pleased to offer its special Legislative Issue of our newsletter. This update contains summaries of bills of interest to our readers that were enacted by the General Assembly in its 2008 session and take effect as of July 1, 2008. This information is taken from the VADA Bulletin and the Summary of the 2008 Session of the General Assembly published by the Division of Legislative Services. The abbreviations used are as follows: HB-House Bill; SB-Senate Bill. If you wish to read the entire text of a bill, please visit the Virginia General Assembly Legislative Services website at <http://leg1.state.va.us/>.

**Civil Remedies and Procedure
Passed**

SB 699 Computation of time; when statute of limitations ends on Saturday, Sunday, or legal holiday. Clarifies that when the last day for bringing an action falls on a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly, then the action may be filed on the next day that is not a Saturday, Sunday, legal holiday, or day or part of a day on which the clerk's office is closed as authorized by an act of the General Assembly. Code § 1-210.

**Worker's Compensation
Passed**

HB 1480 and SB 673 Allowances to injured deputy sheriffs. Requires a locality to allow a deputy sheriff injured in the line of duty to use accrued vacation, compensatory, and sick leave to supplement his workers' compensation allowance, so as to receive 100 percent compensation. The bill also requires the locality to continue to pay any employer's share of certain health insurance coverage for the injured deputy and his dependents. Adds Code § 15.2-1511.01.

SB 615 Workers' compensation;

Capitol Police. Expands the definition of law-enforcement officer to include members of the Capitol Police for the purpose of providing that a claim for workers' compensation benefits incurred by such a person while undertaking a law-enforcement or rescue activity in an off-duty capacity or outside an assigned shift or work location is deemed to be in the course of employment. Amends Code § 65.2-102.

**Insurance
Passed**

HB 172 Civil procedure; disclosure of insurance liability limits. Allows an injured person, or his attorney, to request the disclosure of the liability limits of an insurance policy prior to filing a civil action for personal injuries resulting from a motor vehicle accident. The party requesting this information shall provide the insurer with (i) the date of the accident, (ii) the name and last-known address of the alleged tortfeasor, (iii) a copy of the accident report, if any, (iv) the claim number, if available, and (v) the injured person's medical records, medical bills, and wage-loss determination. The insurer only has to disclose the liability limits if the amount of the injured person's medical bills and wage losses equals or exceeds \$12,500. The bill also provides that disclosure of a policy's limits shall not constitute an admission that the alleged injury is subject to the policy. Amends Code § 8.01-417.

HB 949 and SB 450 Slayer statute. Amends the definition of "slayer" to include a person who is convicted of voluntary manslaughter. The bill also amends the definition of "slayer" to include a person who is acquitted of murder or involuntary manslaughter, but who is determined, by a preponderance of the evidence, either before or after his death, by a court to have committed murder or involuntary manslaughter. The bill also provides that transferees or assignees claiming through a slayer cannot acquire property or benefits as a result of the slaying. The bill also provides that insurance companies

are not liable on life insurance policies acquired by the slayer for the decedent if (i) the policy was procured by the slayer as part of the plan to murder the decedent, and (ii) the decedent's death from the slayer's act was within two years of the date the policy was issued. The bill also provides that the slayer statute does not serve to abrogate any common law right or remedy that prevents a slayer from profiting from his crime. The bill also makes several clarifying amendments to the slayer statute. Amends Code §§ 55-401 through 55-406, 55-411, and 55-414.

Failed

HB 168 Motor vehicle liability insurance coverage limits. Increases the minimum liability coverage amounts from \$25,000 to \$50,000 in cases of bodily injury to or death of one or more persons in any one accident.

HB 919 Underinsured motorist insurance coverage. Establishes a mechanism by which a liability insurer insuring the owner, operator, or maintainer of an underinsured motor vehicle may, following approval of the court, pay all of its applicable limits of liability. Upon paying its limits under the policy, the insurer will be released from further liability and its obligation to participate in the defense of the proceeding. The measure applies to policies issued or renewed on or after July 1, 2008.

**Courts of Record
Passed**

SB 563 Cases held under advisement; time limit. Provides that whenever a judge of a circuit court holds a civil case under advisement for more than 90 days after final submission of the case, the court shall report, in writing, to the parties or their counsel an expected time of a decision. If such a judge (i) holds a civil case under advisement for more than 90 days, (ii) fails to make the required written report, or (iii) fails to render a decision within the expected



time stated in the report, any party may notify the Chief Justice of the Supreme Court.

SB 566 Withdrawal of appeals from district courts; civil proceedings. Establishes procedures for parties who appeal decisions from district courts in civil actions to withdraw such appeals. Currently there are only procedures for the withdrawal of appeals from district courts in certain criminal cases. As introduced, this bill was a recommendation of the Boyd-Graves Conference. Amends Code §§ 16.1-107, 16.1-298, adds Code § 16.1-106.1.

Courts Not of Record Passed

SB 248 Additional fees in certain courts; use by Virginia State Bar. Increases the civil action filing fee in circuit and district court to \$10. Currently, the fee is \$5. The additional \$5 would be deposited into the Legal Aid Services Fund. Amends Code § 17.1-278.

Motor Vehicles Failed

HB 108 Reckless driving by speed. Reduces from 20 mph to 10 mph the speed by which drivers of heavy trucks must exceed the posted speed limit to be guilty of reckless driving.

Carried Over

SB 39 Traffic accident reports. Increases from \$1,000 to \$1,500 the damage threshold at which traffic accidents become "reportable."

Consumer Law Passed

HB-1311 Byron and SB-576 Saslaw Freezing access to credit reports. Authorizes a consumer to freeze access to his credit report. With certain exceptions, a consumer reporting agency may not release information in a frozen report without the consumer's authorization. Provides for release of frozen report permanently, temporarily, or to a specific

third party. Up to \$10 may be charged for a freeze (identity theft victims are exempt). A consumer may recover actual damages up to \$1,000, punitive damages, and attorney fees for willful failure to comply; actual damages and attorney fees for negligent failure to comply. The Attorney General is authorized to take enforcement actions. (Adding in Title 59.1 a Ch.35.1, §§ 59.1-444.1& 441.2)



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