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HOUSE BILL NO. 2476

Offered January 13, 2025

Prefiled January 8, 2025

A *BILL to amend and reenact § 8.01-18 of the Code of Virginia, relating to public officers; death, resignation, or ceasing to hold office; automatic substitution.*

Patron—Henson

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 8.01-18 of the Code of Virginia is amended and reenacted as follows:

§ 8.01-18. When suit dismissed unless revived.

A. If the committee, personal representative, heir, or devisee of the plaintiff or appellant who was a party, or of the decedent whose personal representative was plaintiff or appellant, ~~shall~~ *does* not make a motion for substitution of parties under the applicable Rules of Court within a reasonable time after there may have been a suggestion on the record of the fact making such motion proper, the suit of such plaintiff or appellant shall be ~~discontinued~~ *dismissed*, unless good cause ~~be is~~ shown to the contrary.

B. *The provisions of this section shall not apply when a public officer who is a party in an official capacity dies, resigns, or otherwise ceases to hold office while an action is pending. In any such instance, such public officer's successor shall be automatically substituted as a party.*

INTRODUCED

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