

VIRGINIA ACTS OF ASSEMBLY — CHAPTER

*An Act to amend and reenact § 8.01-17 of the Code of Virginia, relating to public officers; death, resignation, or ceasing to hold office; automatic substitution.*

[H 2476]

Approved

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

**1. That § 8.01-17 of the Code of Virginia is amended and reenacted as follows:**

**§ 8.01-17. When party whose powers cease is defendant.**

A. When the party whose powers cease is a defendant, the plaintiff may continue his suit against him to final judgment or decree; provided that a successor in interest may be substituted in accordance with the Rules of Court; and provided further that upon motion the court may order that the suit proceed against the former party as well as the successor.

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 when the only claim in such action was made against the former public officer in his official capacity.*