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SENATE BILL NO. 540

Offered January 14, 2026

Prefiled January 13, 2026

A *BILL to amend the Code of Virginia by adding a section numbered 8.01-221.3, relating to undue influence; presumption in actions contesting validity of certain document or instrument.*

Patron—Obenshain

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 8.01-221.3 as follows:

§ 8.01-221.3. Validity of certain instruments; presumption of undue influence.

In addition to any other relevant provision of law, where a presumption of undue influence arises in any action contesting the validity of a (i) trust or trust instrument created pursuant to the provisions of Article 1 (§ 64.2-700 et seq.) of Chapter 7 of Title 64.2; (ii) provision naming or designating a P.O.D. payee on a P.O.D. account, as both terms are defined in § 6.2-604; (iii) transfer on death deed, as defined in § 64.2-621; or (iv) any other instrument that conveys or transfers real or personal property upon the death of the owner of such real or personal property, the finder of fact shall presume that the undue influence was exerted over the decedent unless, based on all the evidence introduced at trial, the finder of fact finds that the decedent did intend for such real or personal property to be conveyed or transferred as indicated in the contested document or instrument.

INTRODUCED

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