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VIRGINIA ACTS OF ASSEMBLY — CHAPTER

An Act to amend and reenact § 8.01-40 of the Code of Virginia, relating to unauthorized use of voice or likeness; punitive damages; statute of limitations.

[S 753]

Approved

Be it enacted by the General Assembly of Virginia:
1. That § 8.01-40 of the Code of Virginia is amended and reenacted as follows:
§ 8.01-40. Unauthorized use of name or picture of any person; punitive damages; statute of limitations.

- A. Any person whose name, portrait, ~~or~~ picture, *voice, or likeness* is used without having first obtained the written consent of such person, or if dead, of the surviving consort and if none, of the next of kin, or if a minor, the written consent of his or her parent or guardian, for advertising purposes or for the purposes of trade, such persons may maintain a suit in equity against the person, firm, or corporation so using such person's name, portrait, ~~or~~ picture, *voice, or likeness* to prevent and restrain the use thereof; and may also sue and recover damages for any injuries sustained by reason of such use. And if the defendant shall have knowingly used such person's name, portrait ~~or~~, picture, *voice, or likeness* in such manner as is forbidden or declared to be unlawful by this chapter, the jury, in its discretion, may award punitive damages.
- B. No action shall be commenced under this section more than 20 years after the death of such person.

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