

VIRGINIA ACTS OF ASSEMBLY - 2026 SESSION

CHAPTER 629

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.

[H 581]

Approved April 13, 2026

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.