

## Virginia Legislative Update

### Jan. 16th, 2026

As the Virginia General Assembly convenes, lawmakers are introducing legislation that could meaningfully affect personal injury law across the Commonwealth. This legislative update highlights key proposals in three core areas: direct civil liability changes, expansions in evidence and enforcement, and measures affecting recovery pathways and procedural access. In addition, this update also highlights select legislation passed during the 2025 session that is already in effect or will become effective in 2026. Our firm closely monitors these developments to anticipate changes that may impact our clients and the handling of their cases.

### **Bills: Direct Civil Liability Changes**

#### **HB 7: Law Enforcement Civil Liability**

Establishes a new civil cause of action against state and federal law enforcement officers who cause injury while intentionally wearing a prohibited face covering in the performance of their duties. The bill expressly eliminates sovereign immunity as a defense for claims brought under this provision.

#### **HB 21, SB 27: Firearm Industry Liability**

This legislation creates a new statutory cause of action by establishing “responsible conduct” standards for firearm manufacturers and sellers. Individuals injured by gunfire may bring civil claims against industry members that fail to implement required safeguards to prevent illegal sales or the creation of public nuisances.

#### **HB 79: Landlord Mold Liability**

This bill amends the Virginia Residential Landlord and Tenant Act to expressly authorize tenants, authorized occupants, and their guests or invitees to bring personal injury, wrongful death, and property damage claims arising from mold conditions within a dwelling unit. Compensatory damages, including medical expenses, lost wages, and damage to personal property, are recoverable for mold-related injuries tied to the landlord-tenant relationship. The bill also allows for the recovery of punitive damages and attorney fees where the mold condition is caused solely by the landlord’s or managing agent’s gross negligence or willful misconduct.

#### **HB 14: Local Enforcement of Unsafe Housing**

This bill amends existing housing enforcement provisions to authorize local governments to initiate civil actions against landlords on behalf of injured tenants for unsafe or noncompliant housing conditions. By permitting governmental enforcement in addition to private claims, the legislation strengthens premises liability actions through public enforcement authority.

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#### **Bills: Evidence & Enforcement Expansion**

##### **HB 55: Automated Noise Monitoring**

This bill would amend existing traffic enforcement statutes to authorize certain Northern Virginia localities to deploy automated noise monitoring systems to identify excessively loud vehicles. The resulting data could be used in personal injury litigation to support arguments of reckless or habitual unsafe driving behavior.

##### **SB 84, SB 59, HB 564: Automated Traffic and Transit Enforcement Cameras**

These bills would amend existing traffic enforcement statutes to expand the use of automated enforcement systems, including speed cameras, pedestrian-crossing cameras, and bus obstruction monitoring systems.

##### **SB 12, SB 53: Expanded Authority for Traffic Stops and Admissible Evidence**

These bills amend existing law to broaden law enforcement authority to initiate traffic stops for equipment violations and other minor offenses. SB 53 clarifies that a vehicle may be lawfully stopped for operating without lighted headlights and that any evidence obtained following such a stop is admissible if otherwise permitted by law. SB 12 removes statutory restrictions that limit traffic stops for certain minor offenses or based on the odor of marijuana. Together, these changes expand the scope of permissible traffic stops and may increase the detection and evidentiary support of DUI and DWI violations.

##### **HB 561: DUI Enforcement and Ignition Interlocks**

This bill amends existing DUI statutes to expand eligibility for immediate restricted licenses conditioned on ignition interlock installation and directs a statewide evaluation of Virginia's DUI enforcement framework.

##### **HB 25: Railroad Crew Requirements**

This bill would amend existing rail safety statutes to require a minimum two-person crew on freight trains. In the event of a train-related injury, a violation of this requirement could constitute strong evidence of negligence in subsequent civil litigation.

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#### **Bills: Recovery Pathways and Procedural Access**

##### **SB 37: Sexual Abuse Claims Accrual Reform**

This bill amends existing statutes of limitation by adopting a discovery-based accrual rule for civil actions arising from sexual abuse committed against a minor or an incapacitated person. Under the amendment, the limitations period begins to run when the injury or abuse is discovered, rather than at the time the abuse occurred, expanding access to civil remedies for survivors.

##### **HB 107: UIM Claim Streamlining**

This bill amends existing underinsured motorist procedures to allow a plaintiff to name a previously settled tortfeasor as a nominal defendant for the limited purpose of triggering UIM coverage, without requiring additional personal service. The amendment reduces procedural barriers and delays in pursuing UIM benefits.

##### **HB 66: Modernization of DMAS and DSS Systems**

This bill enacts a new statutory directive requiring the Department of Medical Assistance Services and the Department of Social Services to modernize their information technology systems. The stated purpose is to reduce administrative backlogs, which may indirectly affect lien resolution, benefits coordination, and reimbursement timelines in personal injury cases.

##### **SB 229: Class Actions and Consumer Protection Expansion**

This bill would modernize Virginia civil procedure by formally authorizing class actions in state court, a mechanism that does not currently exist under Virginia law. The legislation would permit class actions for violations of the Virginia Consumer Protection Act and establish clear rules for certification, representation, and court oversight. The bill could significantly impact mass injury, defective product, and consumer related harm cases by allowing claims to be litigated collectively in Virginia state court, rather than requiring plaintiffs to proceed individually or in federal court.

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### Previously Enacted Legislation 2026 Effective Dates

#### **Va. Code § 46.2-373: Increased Threshold for Mandatory Collision Reports and Evidence Collection**

Effective January 1, 2026: This amendment raises the property damage threshold that triggers a mandatory police report to the DMV from \$1,500 to \$5,000. As a result, fewer lower-damage crashes will generate official accident reports, potentially reducing the availability of contemporaneous law enforcement documentation in personal injury cases.

#### **Va. Code § 8.01-229(K): Wrongful Death Statute of Limitations Tolling for Related Criminal Proceedings**

Effective January 1, 2026: This amendment clarifies that the statute of limitations for wrongful death actions is tolled while related criminal proceedings are pending. The change protects families from civil claims becoming time-barred while criminal investigations or prosecutions are ongoing.

#### **Va. Code § 38.2-2202: Mandatory Insurance Notices**

Effective July 1, 2026: This amendment requires insurers to use clearer, standardized language when notifying policyholders of optional motor vehicle coverages, including underinsured motorist coverage. The change is intended to reduce inadvertent waivers of stacked coverage caused by confusing or technical notice language.

#### **Va. Code §§ 59.1-611 through 59.1-613: Medical Debt Protection Act**

Effective July 1, 2026: This new statutory framework restricts extraordinary collection actions by large health care facilities and medical debt buyers and limits the assessment of interest and late fees until at least 90 days after final billing. Although not a tort statute, the Act directly affects post-injury financial pressure on personal injury clients by curbing aggressive collection practices related to accident-related medical debt.