

Preface to the 2025–2026 Edition

Handling an Automobile Negligence Case in Virginia is a practical guide for practitioners. The text not only summarizes the law, it also provides practice tips and advice for attorneys taking an automobile negligence case from start to finish. This book provides up to date information on relevant changes in statutory and case law.

Noteworthy updates this year include:

Increases in the required minimum amounts of auto liability insurance coverage for claims for personal injury that went into effect on January 1, 2025. As of January 1, 2025 all policies of auto insurance issued in Virginia are required to provide a minimum of \$50,000 in coverage for an individual claim and a minimum of \$100,000 in coverage where there are multiple claims arising out of the same accident, which is an increase from the previous required amounts of \$30,000 per individual claim and \$60,000 in the event of multiple claims. **See §§ 1:131 and 1:142.**

Virginia law now recognizes a claim for bad faith for failure of an insurance company to make timely and reasonable settlement of a claim for uninsured motorist (UM) or underinsured motorist (UIM) benefits coverage. Pursuant to the 2024 amendments to Va. Code Ann. § 8.01-66.1 which went into effect as of January 1, 2025, where certain criteria are met, a claim may now be made directly against an insurance company for bad faith in the context of failure to settle claims for UM or UIM coverage. Recoverable damages in the event of a finding of bad faith include (1) an amount up to double the amount of the of the judgment obtained in the underlying action, not to exceed \$500,000, (2) attorney fees, (3) costs and (4) interest. **See § 1:220.**

Changes in venue where an Administrator has been appointed on behalf of the estate of a decedent in an action for personal injury or wrongful death. Pursuant to the changes to Va. Code Ann. § 64.2-454 which become effective as of July 1, 2025, in any civil action for personal injury or wrongful death where an Administrator has been appointed on behalf of the estate of a decedent, permissible venue shall lie only in a city or county in which venue would

have been proper if the person for whom such appointment was made had survived. **See § 2:27.**

A new decision has been issued on the applicability of the doctrine of sudden emergency. The intermediate Court of Appeals of Virginia has issued a decision further delineating when the defense of sudden emergency may apply, which decision was subsequently affirmed by the Supreme Court of Virginia. **See § 1:161.**

A new decision has clarified that there is no requirement for proof of economic damages in order for a plaintiff to recover in a case for personal injuries. The intermediate Court of Appeals of Virginia has made clear in a case for personal injuries the plaintiff is not required to present evidence of economic damages, such as medical bills and lost wages, in order to obtain a recovery, and that the finder of fact may still return a verdict for the so-called intangible elements of damages alone, such as for pain and suffering. **See § 5:141.**

A new decision has been issued on the applicability of sovereign immunity. A new decision from Virginia's intermediate Court of Appeals addressed the issue of sovereign immunity in a claim for personal injuries arising out of a motor vehicle accident caused by a municipal garbage truck. **See § 13:19.**