

2003 SESSION

INTRODUCED

032334944

HOUSE BILL NO. 1895

Offered January 8, 2003

Prefiled January 7, 2003

A BILL to amend the Code of Virginia by adding a section numbered 54.1-401.1, relating to the Board for Architects, Professional Engineers, Land Surveyors, Certified Interior Designers and Landscape Architects; land surveyors; right-of-entry.

Patrons—Stump; Senator: Puckett

Referred to Committee on General Laws

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 54.1-401.1 as follows:

§ 54.1-401.1. Land surveyor right-of-entry; liability; injunction.

A. A land surveyor, or agents and employees under his supervision, may go on, over and upon the lands of others when necessary to perform surveys of the location of property corners, boundary lines, rights-of-way and easements, and, in so doing, may carry with them their customary equipment and vehicles.

B. Any land surveyor or agents and employees under his supervision, entering the lands of others under the authority granted in this section, shall be liable only for the actual damage done.

C. Nothing in this section shall be construed as providing the land surveyor or his agents or employees the authority to destroy, injure, damage or move anything on the lands of another without written permission of the landowner, and nothing in this section shall be construed as removing civil liability for such damage.

D. No owner or occupant of the land shall be liable for any injury or damage sustained by any person entering upon such land under the provisions of this section.

E. Any person denied the right of entry conferred by this section may proceed to enforce such right by filing a petition for injunction, supported by an affidavit showing good cause, addressed to the general district court or the court of record of the county or city in which the property where the entry is alleged to have been denied is located.

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