

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 *An Act to amend and reenact § 57-27.1 of the Code of Virginia, relating to access to cemeteries*
3 *located on private property; injunctive relief.*

4 [H 162]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 57-27.1 of the Code of Virginia is amended and reenacted as follows:**8 § 57-27.1. Access to cemeteries located on private property; cause of action for injunctive relief;
9 applicability.

10 After reasonable notice to the property owner at his last known address, representatives of local
11 historical commissions may enter upon the land of a private or family cemetery for the purpose of
12 conducting official business, unless the property owner objects. A. Owners of private property on which
13 a cemetery or graves are located shall have a duty to allow ingress and egress to the cemetery or
14 graves by (i) family members and descendants of deceased persons buried there; (ii) any cemetery plot
15 owner; and (iii) any person engaging in genealogy research, who has given reasonable notice to the
16 owner of record or to the occupant of the property or both. The landowner may designate the frequency
17 of access, hours and duration of the access and the access route if no traditional access route is
18 obviously visible by a view of the property. The landowner, in the absence of gross negligence or willful
19 misconduct, shall be immune from liability in any civil suit, claim, action, or cause of action arising out
20 of the access granted pursuant to this section.

21 B. The right of ingress and egress granted to persons specified in subsection A shall be reasonable
22 and limited to the purposes of visiting graves, maintaining the gravesite or cemetery, or conducting
23 genealogy research. The right of ingress and egress shall not be construed to provide a right to operate
24 motor vehicles on the property for the purpose of accessing a cemetery or gravesite unless there is a
25 road or adequate right-of-way that permits access by a motor vehicle and the owner has given written
26 permission to use the road or right-of-way of necessity.

27 C. Any person entering onto private property to access a gravesite or cemetery shall be responsible
28 for conducting himself in a manner that does not damage the private lands, the cemetery or gravesites
29 and shall be liable to the owner of the property for any damage caused as a result of his access.

30 D. Any person denied reasonable access under the provisions of this section may bring an action in
31 the circuit court where the property is located to enjoin the owner of the property from denying the
32 person reasonable ingress and egress to the cemetery or gravesite. In granting such relief, the court
33 may set the frequency of access, hours and duration of the access.

34 E. The provisions of this section shall not apply to any deed or other written instrument that creates
35 or reserves a cemetery or gravesite on private property.

ENROLLED

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