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HOUSE BILL NO. 1648

House Amendments in [] - January 26, 2005

A BILL to amend and reenact § 55-317 of the Code of Virginia, relating to division fences.

Patron Prior to Engrossment—Delegate Orrock

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 55-317 of the Code of Virginia is amended and reenacted as follows:

§ 55-317. Obligation to provide division fences.

Adjoining landowners shall build and maintain, at their joint and equal expense, division fences between their lands, unless one of them shall choose to let his land lie open as hereinafter provided for, or unless they shall otherwise agree between themselves. No owner of land used for industrial or commercial purposes, or subdivided into lots or parcels, adjoining lands used for agricultural purposes, when given notice by the owner of such adjoining lands under § 55-318 shall have the option of choosing to let his land lie open, but shall build one-half of such fence or be liable therefor. [*No adjoining landowner who owns or otherwise controls livestock as defined in § 55-306 may choose to let his land lie open unless he can show by a preponderance of the evidence that those livestock are restrained from trespass or otherwise running at large by a means other than a division fence established pursuant to this article.*]

Proceedings for the erection and repair of such fences shall be as set forth in the following sections.

ENGROSSED

HB1648E