

# 2008 SESSION

## HOUSE SUBSTITUTE

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### HOUSE BILL NO. 1149

#### AMENDMENT IN THE NATURE OF A SUBSTITUTE

(Proposed by the House Committee for Courts of Justice  
on February 8, 2008)

(Patron Prior to Substitute—Delegate Phillips)

*A BILL to amend and reenact § 15.2-1806 of the Code of Virginia and to amend the Code of Virginia by adding a section numbered 15.2-1809.1, relating to recreation facilities, playgrounds, etc.; liability.*

**Be it enacted by the General Assembly of Virginia:**

**1. That § 15.2-1806 of the Code of Virginia is amended and reenacted, and that the Code of Virginia is amended by adding a section numbered 15.2-1809.1 as follows:**

§ 15.2-1806. Parks, recreation facilities, playgrounds, etc.

A. A locality may establish parks, recreation facilities and playgrounds; set apart for such use any land or buildings owned or leased by it; and acquire land, buildings and other facilities pursuant to § 15.2-1800 for the aforesaid purposes.

In regard to its parks, recreation facilities and playgrounds, a locality may:

1. Fix, prescribe, and provide for the collection of fees for their use;

2. Levy and collect an annual tax upon all property in the locality subject to local taxation to pay, in whole or in part, the expenses incident to their maintenance and operation;

3. Operate their use through a department or bureau of recreation or delegate the operation thereof to a recreation board created by it, to a school board, or any other appropriate existing board or commission.

B. A locality may also establish, conduct and regulate a system of hiking, biking, and horseback riding trails and may set apart for such use any land or buildings owned or leased by it and may obtain licenses or permits for such use on land not owned or leased by it. *A locality may also establish, conduct and regulate a system of trails for all-terrain vehicles, off-road motorcycles, or both, as those terms are defined in § 46.2-100, and may set apart for such use any land or buildings owned or leased by it and may obtain licenses, easements, leases, or permits for such use on land not owned or leased by it.*

In furtherance of the purposes of this subsection, a locality may provide for the protection of persons whose property interests, or personal liability, may be related to or affected by the use of such trails.

§ 15.2-1809.1. *Liability of localities for the site of trails for all-terrain vehicles or off-road motorcycles.*

*A locality which establishes, conducts and regulates a system of trails for all-terrain vehicles, off-road motorcycles, or both, as provided in subsection B of § 15.2-1806, and the owner of any property leased or licensed for such use, shall not be liable for damages resulting from any injury to the person or from a loss of or damage to the property of any person arising from the condition of the property used for such trails, in the absence of gross negligence or willful misconduct.*

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