

## 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 and*  
3 *graves located on private property; injunctive relief.*

4 [H 1422]

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

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

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

27 D. Any person denied reasonable access under the provisions of this section may bring an action in  
28 the circuit court where the property is located to enjoin the owner of the property from denying the  
29 person reasonable ingress and egress to the cemetery or gravesite. In granting such relief, the court may  
30 (i) set the frequency of access, hours and duration of the access *and* (ii) *award reasonable attorney's*  
31 *fees and costs to the person denied such access.*

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

ENROLLED

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