

# 2010 SESSION

INTRODUCED

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## HOUSE BILL NO. 1072

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact § 55-154.2 of the Code of Virginia, relating to mining; ownership of underground void.

Patron—Kilgore

Referred to Committee for Courts of Justice

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

#### 1. That § 55-154.2 of the Code of Virginia is amended and reenacted as follows:

§ 55-154.2. Presumption regarding estate of owner of mineral rights.

~~Except as otherwise provided~~ Unless expressly reserved in the deed instrument by which the owner of minerals derives title estate is created or severed, the owner, or current lessee if leased, of such minerals shall be presumed to be the owner of the shell, container chamber, passage and space opened underground for that was created by the removal of the such minerals; with full right to haul and transport minerals from other lands and to pass men, materials, equipment, water and air through such space. No injunction shall lie to prohibit the use of any such shell, container chamber, passage or space opened underground by the owner, or current lessee if leased, of minerals for the purposes herein described. The provisions of this section shall not affect contractual obligations and agreements entered into prior to July 1, 1981. Notwithstanding the foregoing, all wheelage agreements relating to any such shell, container chamber, passage, or space shall remain in full force and effect. The provisions of this section shall have no bearing on or application to any determination of ownership rights in natural gas.

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