

2010 SESSION

INTRODUCED

10103554D

HOUSE BILL NO. 1100

Offered January 13, 2010

Prefiled January 13, 2010

A BILL to amend and reenact § 10.1-603.12:3 of the Code of Virginia, relating to stormwater management facilities; liability.

Patrons—Sickles and Bulova; Senators: Barker and Marsden

Referred to Committee on Agriculture, Chesapeake and Natural Resources

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-603.12:3 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-603.12:3. Private rights; liability.

A. Whenever a landowner, by contract or other instrument, cedes responsibility for the maintenance, repair, and replacement of a stormwater management facility on his property to the Commonwealth or political subdivision thereof, such landowner shall be immune from civil liability in relation to such stormwater management facility. The immunity granted by this section shall not apply to actions or omissions by the landowner constituting intentional or willful misconduct or gross negligence. For the purposes of this section, "landowner" shall mean any person that holds legal title to or an interest in the real property where the premises are located including any lessee, occupant, and operator and any agent, director, officer, or employee thereof.

B. Except as provided in subsection A, the fact that any permittee holds or has held a permit issued under this article shall not constitute a defense in any civil action involving private rights.

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