

## 1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

2 An Act to amend the Code of Virginia by adding a section numbered 5.1-7.3, relating to duty of care  
3 and liability for damages of owners of private landing areas.

4 [H 553]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That the Code of Virginia is amended by adding a section numbered 5.1-7.3 as follows:**8 *§ 5.1-7.3. Duty of care and liability for damages of owners of private landing areas.*9 *A. For the purposes of this section:*

10 *"Fee" means any payment or payments of money to a landowner for use of the premises or in order*  
11 *to engage in any activity described in subsections B and C, but does not include any action taken by*  
12 *another to improve the land or access to the land for the purposes set forth in subsections B and C or*  
13 *to remedy damage caused by such uses.*

14 *"Land" or "premises" means any privately owned area for landing any aircraft, that is not open to*  
15 *the general public, and that is registered with the Department and the Federal Aviation Administration*  
16 *pursuant to § 5.1-7.2.*

17 *"Landowner" means the legal title holder, lessee, occupant, or any other person in control of the*  
18 *land or premises.*

19 *B. A landowner shall not be liable for ordinary negligence related to conditions on his premises that*  
20 *proximately cause damage to property or injury to occupants of an aircraft or ultralight vehicle landing*  
21 *on or taking off from such premises, provided that no commercial operation is being conducted on or*  
22 *about the premises.*

23 *C. Any landowner who gives permission, express or implied, to another person to operate aircraft or*  
24 *ultralight vehicles of any type for the personal use of such person or for the use of an easement as set*  
25 *forth in subsection B does not thereby:*

26 *1. Impliedly or expressly represent that the premises are safe for such purposes;*

27 *2. Grant invitee status or its corresponding duty of care to the person to whom such permission has*  
28 *been granted; or*

29 *3. Assume responsibility for or incur liability for any intentional or negligent acts of such person or*  
30 *any other person, except as provided in subsection D.*

31 *D. Nothing contained in this section shall limit the liability of a landowner that may otherwise arise*  
32 *or exist by reason of his gross negligence or willful or malicious failure to guard or warn against a*  
33 *dangerous condition, use, structure, or activity. The provisions of this section shall not limit the liability*  
34 *of a landowner that may otherwise arise or exist when the landowner receives a fee for use of the*  
35 *premises or to engage in any activity described in subsection B or C. Nothing contained in this section*  
36 *shall relieve any landowner who sponsors or conducts any event or competition of the duty to exercise*  
37 *ordinary care in such events.*

ENROLLED

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