

VIRGINIA ACTS OF ASSEMBLY -- 2014 SESSION

CHAPTER 304

An Act to amend and reenact § 10.1-613.4 of the Code of Virginia, relating to liability of owner or operator of a dam.

[S 466]

Approved March 24, 2014

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-613.4 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-613.4. Liability of owner or operator.

~~Nothing~~ A. Notwithstanding subsection B, nothing in this article, and no order, notice, approval, or advice of the Director or Board shall relieve any owner or operator of such a ~~an~~ *impounding* structure from any legal duties, obligations, and liabilities resulting from such ownership or operation. The owner shall be responsible for liability for damage to the property of others or injury to persons, including, ~~but not limited to,~~ loss of life resulting from the operation or failure of a ~~dam~~ *an impounding structure*. Compliance with this article does not guarantee the safety of a ~~dam~~ *an impounding structure* or relieve the owner of liability in case of a ~~dam~~ *an impounding structure* failure.

B. The owner of the land upon which an impounding structure owned, maintained, or operated by a soil and water conservation district is situated shall not be responsible for liability for damages to the property of others or injury to persons, including the loss of life, resulting from the operation or failure of the impounding structure.

The provisions of this subsection shall not apply if the damages to the property of others or injury to persons is the result of an act or omission of the landowner unrelated to ownership, maintenance, or operation of the impounding structure.