

1 VIRGINIA ACTS OF ASSEMBLY — CHAPTER

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

4 [H 1034]

5 Approved

6 **Be it enacted by the General Assembly of Virginia:**7 **1. That § 10.1-613.4 of the Code of Virginia is amended and reenacted as follows:**8 **§ 10.1-613.4. Liability of owner or operator.**

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

16 B. *The owner of the land upon which an impounding structure owned, maintained, or operated by a*
17 *soil and water conservation district is situated shall not be responsible for liability for damages to the*
18 *property of others or injury to persons, including the loss of life, resulting from the operation or failure*
19 *of the impounding structure. The provisions of this subsection shall not apply if the damages to the*
20 *property of others or injury to persons is the result of an act or omission of the landowner unrelated to*
21 *ownership, maintenance, or operation of the impounding structure.*

ENROLLED

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