

2014 SESSION

INTRODUCED

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HOUSE BILL NO. 1124

Offered January 13, 2014

A *BILL to amend and reenact § 10.1-613.4 of the Code of Virginia, relating to the transfer of ownership or decommissioning of impounding structures.*

Patron—Orrock

Referred to Committee for Courts of Justice

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.

A. 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 *or operator* shall be responsible for liability for damage to the property of others or injury to persons, including, ~~but not limited to,~~ *the 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 *or operator* of liability in case of a ~~dam an impounding structure~~ failure.

B. Prior to dissolution or termination of an entity that owns an impounding structure, the entity shall either convey ownership to a third party by deed or other legal conveyance or decommission the impounding structure pursuant to the requirements of the Virginia Impounding Structure Regulations. Prior to conveying ownership, the owner shall notify the Director of such transfer of ownership in accordance with requirements set out in the Virginia Impounding Structure Regulations. Such notice to the Director shall include a warrant by the transferring owner that the transferee is a responsible party capable of discharging all obligations of an impounding structure owner imposed by law and regulations.

C. The Commonwealth, the Board, or the Department shall not be deemed to become an owner of an impounding structure by providing funding or other assistance for maintenance, repair, or decommissioning of an impounding structure owned by another person or entity.

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