

2016 SESSION

INTRODUCED

16103255D

HOUSE BILL NO. 467

Offered January 13, 2016

Prefiled January 8, 2016

A *BILL to amend the Code of Virginia by adding a section numbered 8.01-226.13, relating to limited immunity for manufacturing businesses operating adjacent to or within 100 feet of public greenways; attorney fees and costs.*

Patron—Head

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That the Code of Virginia is amended by adding a section numbered 8.01-226.13 as follows:

§ 8.01-226.13. *Limited immunity for manufacturing businesses operating adjacent to or within 100 feet of a public greenway.*

A. As used in this section, "public greenway" means any system of hiking, biking, or horseback riding trails established by a locality or political subdivision.

B. Where a public greenway is established adjacent to or within 100 feet of a property on which a business engaged in the manufacturing of goods (i) currently operates and was operating prior to the establishment of the public greenway, (ii) operates in accordance with all required permits, approvals, and authorizations, and (iii) operates in compliance with all applicable federal, state, and local laws and ordinances, such business shall be immune from any actions brought against it by users of such public greenway for any damages sustained by users of the public greenway from the continued operation of such business and any actions brought to enjoin the continued operation of such business. The business shall not be immune from actions brought by the Commonwealth or a locality.

C. Reasonable attorney fees and costs shall be awarded in any case dismissed pursuant to the immunity provided by this section.

INTRODUCED

HB467