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**SENATE BILL NO. 746**

**AMENDMENT IN THE NATURE OF A SUBSTITUTE**

(Proposed by the Senate Committee for Courts of Justice  
on February 8, 2016)

(Patron Prior to Substitute—Senator Wagner)

*A BILL to amend the Code of Virginia by adding a section numbered 8.01-223.3, relating to liability of governmental entities for certain inspections.*

**Be it enacted by the General Assembly of Virginia:**

**1. That the Code of Virginia is amended by adding a section numbered 8.01-223.3 as follows:**

**§ 8.01-223.3. Liability of governmental entities for inspections.**

*Notwithstanding any other provision of law, any governmental entity employing a person who conducts inspections of private entities to determine compliance with any law, regulation, or ordinance and who intentionally exceeds the scope of authority granted to him by law to perform such inspections and enforce a law, regulation, or ordinance shall be liable to such private entity for any damages arising from any enforcement action taken against the entity on the basis of the employee's inspection.*

*The provisions of this section shall not apply to law-enforcement officers as defined in § 9.1-101 or fire marshals appointed pursuant to § 27-30.*

**SENATE SUBSTITUTE**

SB746S1