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HOUSE BILL NO. 2520

Offered January 21, 1999

A *BILL to amend the Code of Virginia by adding in Chapter 3 of Title 8.01 an article numbered 22, consisting of sections numbered 8.01-227.1 through 8.01-227.4, relating to recreational activity liability.*

Patron—Wardrup

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 in Chapter 3 of Title 8.01 an article numbered 22, consisting of sections numbered 8.01-227.1 through 8.01-227.4 as follows:

*Article 22.**Recreational Activity Liability.**§ 8.01-227.1. Definitions.*

As used in this chapter, unless the context requires a different meaning:

"Participant" means any person who actively participates in a recreational activity or is a spectator at such recreational activity.

"Recreational activity sponsor" means any person or his agent who, for profit or not, organizes or provides a facility on or in which is conducted a recreational activity.

"Recreational professional" means a person or his agent engaged in providing a recreational activity, for profit.

§ 8.01-227.2. Liability limited.

Except as provided in § 8.01-227.3, an owner of a recreational facility, recreational activity sponsor, or a recreational professional shall not be liable for an injury to or death of a participant or damage to such participant's property.

§ 8.01-227.3. Liability of owners, recreational activity sponsors, and recreational professionals.

No provision of this chapter shall limit the liability of an owner of a recreational facility, recreational activity sponsor, or recreational professional who:

1. Intentionally injures the participant or damages his property;

2. Commits an act or omission that constitutes negligence and such act or omission caused the injury to or death of the participant or damage to his property provided such participant was not contributorily negligent; or

3. Knowingly provides faulty equipment which causes the injury or death of the participant or damage to his property.

§ 8.01-227.4. Horse racing excluded.

The provisions of this chapter shall not apply to horse racing, as defined by § 59.1-365.

INTRODUCED

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