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HOUSE BILL NO. 1988

Offered January 12, 2011

Prefiled January 11, 2011

A BILL to amend and reenact § 55-154.2 of the Code of Virginia, relating to property conveyances; mineral mining; ownership of underground void.

Patron—Kilgore

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 55-154.2 of the Code of Virginia is amended and reenacted as follows:

§ 55-154.2. Presumption regarding estate of owner of mineral rights.

~~Except as otherwise provided~~ Unless expressly reserved in the deed instrument by which the owner of minerals derives title estate is created or severed, the mineral owner or, if leased, mineral lessee who removes the minerals shall be presumed to be the owner of the shell, container chamber, passage and space opened underground for that was created by the removal of the minerals; with full right to haul and transport minerals from other lands and to pass men, materials, equipment, water and air through such space. No injunction shall lie to prohibit the use of any such shell, container chamber, passage or space opened underground by the mineral owner of minerals for the purposes herein described or, if leased, mineral lessee. The provisions of this section shall not affect contractual obligations and agreements entered into prior to July 1, 1981. In the event that the interests of the mineral owner or, if leased, the mineral lessee in the mineral estate shall terminate, whether by reversion or otherwise, the ownership interest of the mineral owner or mineral lessee in the shell, container chamber, passage or space opened underground that was created by the removal of minerals shall continue upon payment of an annual rental in the amount of \$5 per acre to the current estate owner to whom the shell, container chamber, passage or space has passed. Notwithstanding the foregoing, all wheelage agreements relating to any such shell, container chamber, passage, or space shall remain in full force and effect. The provisions of this section shall have no bearing on or application to any determination of ownership rights in natural gas.

INTRODUCED

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