

## Department of Planning and Budget 2012 Fiscal Impact Statement

**1. Bill Number:** HB553

<b>House of Origin</b>	<input checked="" type="checkbox"/> Introduced	<input type="checkbox"/> Substitute	<input type="checkbox"/> Engrossed
<b>Second House</b>	<input type="checkbox"/> In Committee	<input type="checkbox"/> Substitute	<input type="checkbox"/> Enrolled

**2. Patron:** Knight

**3. Committee:** Transportation.

**4. Title:** Privately owned airports; duty of care of landowners.

**5. Summary:** This bill adjusts the liability of owners of private, unlicensed airports that are not open to the public to be more like that of owners of private property used for hunting, fishing, trapping, and bicycle riding.

**6. Budget Amendment Necessary:** No.

**7. No Fiscal Impact.** Preliminary.

**8. Fiscal Implications:** As this bill addresses private activity on private property, no fiscal implications are anticipated for the Commonwealth. This legislation would exempt private registered airport owners from owing a duty of care for hang gliding, skydiving, and operating aircraft and ultralight vehicles. However, liability would not be limited for gross negligence or willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity. This helps ensure that private facilities will be more willing to host the "public" recreational activities noted in this legislation.

There are 212 owners of private registered airports in Virginia. Certain landowners are granted forgiveness or an exemption from "duty of care" provisions in general law. Examples of such activities already afforded liability protection in § 29.1-509 (Game, Inland Fisheries, and Boating) include hunting, fishing, trapping, bicycle riding, hang gliding and skydiving, among others. This proposal seeks to mirror much of the language included in § 29.1-509 and add "operating aircraft and ultralight vehicles" to the recreational uses, as it applies to private airport owners.

**9. Specific Agency or Political Subdivisions Affected:** None.

**10. Technical Amendment Necessary:** No.

**11. Other Comments:** None.

**Date:** 1/18/12

**Document:** Janet Vogelgesang G:\12-14\FIS\HB553.doc

c: Secretary of Transportation