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**HOUSE BILL NO. 1405**

Offered January 9, 2013

Prefiled December 17, 2012

A *BILL to amend the Code of Virginia by adding a section numbered 55-50.4, relating to private road easements; maintenance and repairs.*

Patron—Bell, Richard P. (By Request)

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 55-50.4 as follows:**

**§ 55-50.4. Private road easements; maintenance and repairs.**

A. Whenever a private road or right-of-way serves as access for more than one property owner and operates as the primary source of ingress and egress for each property, all property owners whose property is served by such private road or right-of-way shall be jointly and equally responsible for the cost of maintaining and repairing the road or right-of-way. For purposes of this section, the cost of maintaining and repairing the road or right-of-way includes the cost of snow removal but does not include the cost of capital improvements to the road or right-of-way.

B. Nothing in this section shall preclude the property owners from entering into an agreement to allocate the costs of maintaining or repairing the private road or right-of-way in any manner that they agree upon. However, no agreement made between the property owners shall be binding on their successors in title unless it is in writing and has been recorded in the deed book in the office of the clerk of the circuit court for the jurisdiction where the private road or right-of-way is located.

INTRODUCED

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