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HOUSE BILL NO. 1034

House Amendments in [] — January 30, 2014

A BILL to amend and reenact § 10.1-613.4 of the Code of Virginia, relating to liability of owner or operator of a dam.

Patron Prior to Engrossment—Delegate Orrock

Referred to Committee for Courts of Justice

Be it enacted by the General Assembly of Virginia:

1. That § 10.1-613.4 of the Code of Virginia is amended and reenacted as follows:

§ 10.1-613.4. Liability of owner or operator.

~~Nothing~~ A. *Notwithstanding subsection B, nothing in this article, and no order, notice, approval, or advice of the Director or Board shall relieve any owner or operator of such a an impounding structure from any legal duties, obligations, and liabilities resulting from such ownership or operation. The owner shall be responsible for liability for damage to the property of others or injury to persons, including, but not limited to, loss of life resulting from the operation or failure of a dam an impounding structure. Compliance with this article does not guarantee the safety of a dam an impounding structure or relieve the owner of liability in case of a dam an impounding structure failure.*

B. *The owner of the land upon which an impounding structure owned, maintained, or operated by a soil and water conservation district is situated shall not be responsible for liability for damages to the property of others or injury to persons, including the loss of life [,] resulting from the operation or failure of the impounding structure. [The provisions of this subsection shall not apply if the damages to the property of others or injury to persons is the result of an act or omission of the landowner unrelated to ownership, maintenance, or operation of the impounding structure.]*

ENGROSSED

HB1034E