

Department of Planning and Budget 2018 Fiscal Impact Statement

1. Bill Number: SB809

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

2. Patron: Petersen

3. Committee: Passed Both Houses

4. Title: Eminent domain; calculation of lost profits.

5. Summary: A bill to amend and reenact Sections 25.1-100 and 25.1-230.1 of the Code of Virginia, relating to how lost profits may be calculated when a business or farm property upon which a business or farm is located is taken. The bill also amends section 25.1-230.1 to provide that, unless already named in the petition for condemnation, the owner may intervene in the pleading by filing a motion accompanied by a petition for intervention setting forth the basis for the lost profits claim.

6. Budget Amendment Necessary: No.

7. Fiscal Impact Estimates: Final. See Item 8.

8. Fiscal Implications: According to the Virginia Department of Transportation (VDOT), SB1435 was passed in 2015, which expanded the application of lost profits claims to total takes of property, but only authorized claims amounting to one year of lost profits. This legislation would authorize lost profit claims for three years in the case of total takes.

Based on actual data, the amount paid out by VDOT since enactment of the 2015 legislation for lost profits for total takes has amounted to \$744,345. Using this data, were this measure to pass allowing claims for lost profits to extend for a three-year period, it is likely that VDOT would expend an additional \$1,488,690 per year, for a total of \$2,233,035 per year.

9. Specific Agency or Political Subdivisions Affected: Virginia Department of Transportation.

10. Technical Amendment Necessary: No.

11. Other Comments: None.