

WEST VIRGINIA LEGISLATURE

2019 REGULAR SESSION

Introduced

Senate Bill 374

BY SENATORS MAYNARD AND CLINE

[Introduced January 21, 2019; Referred

to the Committee on the Judiciary]

1 A BILL to amend the Code of West Virginia, 1931, as amended, by adding thereto a new section,
 2 designated §19-25-2a, relating to eliminating the liability of owners of active mine lands,
 3 abandoned mine lands, and active or inactive railway lines to any person who may enter
 4 upon those premises.

Be it enacted by the Legislature of West Virginia:

ARTICLE 25. LIMITING LIABILITY OF LANDOWNERS.

§19-25-2a. Eliminating the liability of certain landowners.

1 Notwithstanding any provision of this code to the contrary, owners of active mine lands,
 2 abandoned mine lands, active or inactive railway lines: (1) Owe no duty of care to keep the
 3 premises safe for entry or use by others for any purpose, or to give any warning of a dangerous
 4 or hazardous condition, use, structure or activity to persons entering upon those lands or railway
 5 lines; and (2) are not liable for any injury to any person who may enter upon those lands or railway
 6 lines.

NOTE: The purpose of this bill is to eliminate the liability of owners of active mine lands, abandoned mine lands, active or inactive railway lines to persons who may enter upon those premises.

Strike-throughs indicate language that would be stricken from a heading or the present law and underscoring indicates new language that would be added.