

As Introduced

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S. B. No. 181

Senator Stewart

Cosponsors: Senators Goodman, Schaffer, Seitz

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A B I L L

To enact section 1513.151 of the Revised Code to
provide immunity from liability for eligible
landowners who provide access to abandoned mine
lands located on the landowner's land for purposes
of reclamation.

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BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF OHIO:

Section 1. That section 1513.151 of the Revised Code be
enacted to read as follows:

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Sec. 1513.151. (A) As used in this section:

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(1) "Eligible landowner" means a landowner who provides
access to abandoned mine lands located on the landowner's land or
water resource, without charge or other consideration, for the
purpose of allowing the implementation of a reclamation project on
the abandoned mine lands. "Eligible landowner" does not include a
person that is or will become responsible under state or federal
law to reclaim the land or address water pollution existing or
emanating from the land as a result of past coal mining.

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(2) "Landowner" means a person who holds a fee interest in
real property.

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(3) "Reclamation project" means reclamation and any water 19
pollution abatement project associated with the reclamation 20
conducted in compliance with Chapters 1513. and 6111. of the 21
Revised Code and rules adopted under those chapters, as 22
applicable, on abandoned mine lands located on land owned by an 23
eligible landowner. 24

(4) "Reclamation project sponsor" means a person that 25
provides equipment, materials, or services at no cost or at cost 26
for a reclamation project. "Reclamation project sponsor" does not 27
include a person that is or will become responsible under state or 28
federal law to reclaim the land or address water pollution 29
existing or emanating from the land as a result of past coal 30
mining. 31

(5) "Reclamation project work area" means the portion of a 32
parcel of real property on which a reclamation project is 33
conducted. 34

(B) Except as provided in divisions (C) and (D) of this 35
section, an eligible landowner is immune from liability as 36
follows: 37

(1) For any injury to or damage suffered by a person working 38
under the direct supervision of the reclamation project sponsor 39
while the person is within the reclamation project work area; 40

(2) For any injury to or damage suffered by a third party 41
that arises out of or occurs as a result of an act or omission of 42
the reclamation project sponsor during the implementation of the 43
reclamation project; 44

(3) For any injury to or damage suffered by a third party 45
that arises out of or occurs as a result of the reclamation 46
project; 47

(4) For any pollution resulting from a reclamation project; 48

(5) For the operation, maintenance, or repair of any water 49
pollution abatement facility constructed or installed during a 50
reclamation project unless the eligible landowner negligently 51
damages or destroys the water pollution abatement facility or 52
denies access to the reclamation project sponsor who is 53
responsible for the operation, maintenance, or repair of the water 54
pollution abatement facility. 55

(C) The eligible landowner shall notify a project sponsor of 56
a known, latent, or dangerous condition located at a reclamation 57
project work area that is not the subject of the reclamation 58
project. The immunity established in division (B) of this section 59
does not apply to any injury, damage, or pollution resulting from 60
the eligible landowner's failure to notify the project sponsor of 61
such a known, latent, or dangerous condition. 62

(D) The immunity established in division (B) of this section 63
does not apply in both of the following circumstances: 64

(1) An injury to a person within the reclamation project work 65
area that results from an eligible landowner's acts or omissions 66
that are reckless or constitute gross negligence or willful or 67
wanton misconduct; 68

(2) An eligible landowner who engages in any unlawful 69
activities with respect to a reclamation project. 70

(E) The chief of the division of mineral resources management 71
shall adopt rules under Chapter 119. of the Revised Code that are 72
necessary to implement this section. 73