

**As Re-referred to the Senate Environment and Natural Resources
Committee**

**128th General Assembly
Regular Session
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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 1
provide immunity from liability for eligible 2
landowners who provide access to abandoned mine 3
lands located on the landowner's land for purposes 4
of reclamation. 5

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

Section 1. That section 1513.151 of the Revised Code be 6
enacted to read as follows: 7

Sec. 1513.151. (A) As used in this section: 8

(1) "Eligible landowner" means a landowner who provides 9
access to abandoned mine lands located on the landowner's land or 10
water resource, without charge or other consideration, for the 11
purpose of allowing the implementation of a reclamation project on 12
the abandoned mine lands. "Eligible landowner" does not include a 13
person that is or will become responsible under state or federal 14
law to reclaim the land or address water pollution existing or 15
emanating from the land as a result of past coal mining. 16

(2) "Landowner" means a person who holds a fee interest in 17
real property. 18

(3) "Reclamation project" means reclamation and any water pollution abatement project associated with the reclamation conducted in compliance with Chapters 1513. and 6111. of the Revised Code and rules adopted under those chapters, as applicable, on abandoned mine lands located on land owned by an eligible landowner. 19
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(4) "Reclamation project sponsor" means a person that provides equipment, materials, or services at no cost or at cost for a reclamation project. "Reclamation project sponsor" 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. 25
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(5) "Reclamation project work area" means the portion of a parcel of real property on which a reclamation project is conducted. 32
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(B) Except as provided in divisions (C) and (D) of this section, an eligible landowner is immune from liability as follows: 35
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(1) For any injury to or damage suffered by a person working under the direct supervision of the reclamation project sponsor while the person is within the reclamation project work area; 38
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(2) For any injury to or damage suffered by a third party that arises out of or occurs as a result of an act or omission of the reclamation project sponsor during the implementation of the reclamation project; 41
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(3) For any injury to or damage suffered by a third party that arises out of or occurs as a result of the reclamation project; 45
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(4) For any pollution resulting from a reclamation project; 48

(5) For the operation, maintenance, or repair of any water pollution abatement facility constructed or installed during a reclamation project unless the eligible landowner negligently damages or destroys the water pollution abatement facility or denies access to the reclamation project sponsor who is responsible for the operation, maintenance, or repair of the water pollution abatement facility. 49
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(C) The eligible landowner shall notify a project sponsor of a known, latent, or dangerous condition located at a reclamation project work area that is not the subject of the reclamation project. The immunity established in division (B) of this section does not apply to any injury, damage, or pollution resulting from the eligible landowner's failure to notify the project sponsor of such a known, latent, or dangerous condition. 56
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(D) The immunity established in division (B) of this section does not apply in both of the following circumstances: 63
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(1) An injury to a person within the reclamation project work area that results from an eligible landowner's acts or omissions that are reckless or constitute gross negligence or willful or wanton misconduct; 65
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(2) An eligible landowner who engages in any unlawful activities with respect to a reclamation project. 69
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(E) The chief of the division of mineral resources management shall adopt rules under Chapter 119. of the Revised Code that are necessary to implement this section. 71
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