



SENATE BILL 353: Expand Cartway Path Law.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2019-2020 General Assembly

Committee:	Senate Judiciary. If favorable, re-refer to Rules and Operations of the Senate	Date:	April 11, 2019
Introduced by:	Sens. McInnis, Gunn, Wells	Prepared by:	Bill Patterson*
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: Senate Bill 353 would authorize the establishment of a cartway of greater than 18 feet in width, but no more than 30 feet in width, if it determines that there is necessity or good cause.

CURRENT LAW: Under current law, certain persons may attempt to obtain a cartway across the property of another by instituting a special proceeding in the superior court of the county where the property is located. A cartway will be granted only if:

- The person seeking the cartway is engaged in or preparing for one of the following activities on their property: cultivating land; cutting timber; working quarries, mines, or minerals; operating an industrial or manufacturing plant; or operating a public or private cemetery.
- The property is landlocked, lacking a public road or other adequate means of transportation to and from the property.
- The court determines that a cartway is necessary, reasonable, and just.

If the court determines that a cartway should be granted, it will appoint a "jury of view" comprising three disinterested property owners to lay off a cartway of not less than 18 feet in width. There currently is no maximum width for the cartway that may be established through this procedure.

BILL ANALYSIS: Senate Bill 353 would authorize a jury of view to lay off a cartway of greater than 18 feet in width, but no more than 30 feet in width, if it determines that there is necessity or good cause.

EFFECTIVE DATE: This act would become effective when it becomes law and apply to special proceedings on or after that date.

**Jeff Hudson, counsel to Senate Agriculture/Environment/Natural Resources Committee, substantially contributed to this summary.*

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