

No. 123. An act relating to maintenance of private roads.

(H.272)

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. 19 V.S.A. chapter 27 is added to read:

CHAPTER 27. PRIVATE ROADS

§ 2701. INTENT

The intent of this chapter is to state the responsibilities for the maintenance of a private road, in the absence of an express agreement or requirement governing such maintenance responsibilities, in accordance with the Vermont supreme court decision of *Hubbard v. Bolieau*, 144 Vt. 373 (1984), which draws upon established principles of Vermont law. This chapter will only apply to resolve conflicts regarding maintenance of private roads in the absence of an express agreement or requirement. The provisions of this chapter are not intended to abridge, enlarge, or modify any right provided under Hubbard and the common law of Vermont.

§ 2702. PRIVATE ROAD MAINTENANCE

In the absence of an express agreement or requirement governing maintenance of a private road, when more than one person enjoys a common benefit from a private road, each person shall contribute rateably to the cost of maintaining the private road, and shall have the right to bring a civil action to enforce the requirement of this section.

Sec. 2. EFFECTIVE DATE

This act shall take effect on July 1, 2012.

Approved: May 9, 2012