

**349.140 Establishment of affirmative defense for willful trespass arising from coalbed methane drilling operations.**

In any case where title to subsurface minerals has been severed in such a way that title to natural gas underlying the tract and title to coal underlying the tract are in different persons, it shall be an affirmative defense to any action for willful trespass arising from the drilling, development, operation, and production of coalbed methane from any coal seam or gob area underlying the tract, that the operator of the coalbed methane well permitted, drilled, completed, and produced the coalbed methane well under color of title of any instrument, deed, or lease for oil and gas purposes from the gas owner, or any instrument, deed, or lease for coal mining purposes from the coal owner.

**Effective:** July 13, 2004

**History:** Created 2004 Ky. Acts ch. 65, sec. 28, effective July 13, 2004.