

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1535

Session of
1983

INTRODUCED BY RUDY, COLE, STUBAN, AFFLERBACH, GRUITZA, COY,
BELFANTI, BALDWIN AND SHOWERS, OCTOBER 11, 1983

REFERRED TO COMMITTEE ON BUSINESS AND COMMERCE,
OCTOBER 11, 1983

AN ACT

1 Limiting the liability of landowners who permit their land to be
2 used for recreational purposes.

3 The General Assembly of the Commonwealth of Pennsylvania
4 hereby enacts as follows:

5 Section 1. Short title.

6 This act shall be known and may be cited as the Landowner
7 Limited Liability Act.

8 Section 2. Definitions.

9 The following words and phrases when used in this act shall
10 have the meanings given to them in this section unless the
11 context clearly indicates otherwise:

12 "Charge." The admission price or fee asked in return for an
13 invitation or permission to enter or go upon the land.

14 "Land." The land, roads, water, watercourses, private ways
15 and, when attached to the realty, buildings, structures and
16 machinery or equipment.

17 "Owner." The possessor of a fee interest, a tenant, lessee,

1 occupant or person in control of the premises.

2 Section 3. Owner of land available to public for recreation not
3 liable.

4 (a) Liability.--Except as provided in section 4, no
5 landowner shall be liable for any injury sustained by any person
6 engaged in any recreational activity whether or not the
7 landowner has given permission, written or oral, for the
8 activity upon his land.

9 (b) Duty of care.--Except as provided in section 4, an owner
10 of land who makes all or any part of the land available to the
11 public without charge, rent, fee or other commercial service for
12 recreational purposes, owes no duty of care to keep the land or
13 the part thereof so made available safe for entry or use by
14 others for recreational purposes, or to give any warning of a
15 dangerous condition, use, structure or activity on the premises
16 to persons entering for such purposes.

17 (c) Responsibility.--Except as provided in section 4, an
18 owner of land who, either directly or indirectly, invites or
19 permits without charge, rent, fee or other commercial service
20 any person to use the land or part thereof for recreational
21 purposes does not thereby:

22 (1) Make any representation that the premises are safe
23 for any purpose.

24 (2) Confer upon the person who enters or uses the land
25 for such recreational purposes the legal status of an invitee
26 or licensee to whom a duty of care is owed.

27 (3) Assume responsibility for or incur liability for any
28 injury to person or property caused by an act or omission of
29 the owner.

30 (d) Land leased to State or subdivision.--Unless otherwise

1 agreed in writing, the provisions of subsections (a), (b) and
2 (c) shall be deemed applicable to the duties and liability of an
3 owner of land leased to the State or any subdivision thereof for
4 recreational purposes.

5 Section 4. Owner liable.

6 Nothing in sections 1 through 3 limits in any way the
7 liability of any owner of land which otherwise exists:

8 (1) For willful or malicious actions of the landowner.

9 (2) For injury suffered in any case where the owner of
10 land charges the person or persons who enter or go on the
11 land for the recreational use thereof, except that, in the
12 case of land leased to the State or a subdivision thereof,
13 any consideration received by the owner for the lease shall
14 not be deemed a charge within the meaning of this section.

15 Section 5. Obligation of user of land.

16 Nothing in this act shall be construed to relieve any person
17 using the land of another for recreational purposes from any
18 obligation which he may have in the absence of this act to
19 exercise care in the use of the land and in activities thereon
20 or from the legal consequences of failure to employ such care.

21 Section 6. Repealer.

22 All acts and parts of acts are repealed insofar as they are
23 inconsistent with this act.

24 Section 7. Effective date.

25 This act shall take effect in 60 days.