

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 74

Session of
2007

INTRODUCED BY HARHART, DALLY, MANTZ, BENNINGHOFF, ARGALL, BAKER,
BEYER, BOYD, CAPPELLI, CLYMER, DALEY, DENLINGER, ELLIS,
FAIRCHILD, GEIST, GILLESPIE, GODSHALL, GOODMAN, GRELL,
GRUCELA, HALUSKA, HARPER, HENNESSEY, HERSHEY, HESS,
HUTCHINSON, JAMES, M. KELLER, LEVDANSKY, MARSHALL,
McILHATTAN, MENSCH, MOYER, MURT, MUSTIO, NAILOR, PERRY,
PHILLIPS, RAPP, READSHAW, REICHLEY, ROAE, RUBLEY, SCAVELLO,
SCHRODER, SIPTROTH, SOLOBAY, SONNEY, STERN, R. STEVENSON,
SURRA, SWANGER, TRUE, WATSON, YOUNGBLOOD AND SAINATO,
JANUARY 30, 2007

REFERRED TO COMMITTEE ON GAME AND FISHERIES, JANUARY 30, 2007

AN ACT

1 Amending the act of February 2, 1965 (P.L.1860, No.586),
2 entitled "An act encouraging landowners to make land and
3 water areas available to the public for recreational purposes
4 by limiting liability in connection therewith, and repealing
5 certain acts," further providing for liability of landowners
6 to recreational users.

7 The General Assembly of the Commonwealth of Pennsylvania
8 hereby enacts as follows:

9 Section 1. Section 1 of the act of February 2, 1965
10 (P.L.1860, No.586), entitled "An act encouraging landowners to
11 make land and water areas available to the public for
12 recreational purposes by limiting liability in connection
13 therewith, and repealing certain acts," is amended to read:

14 Section 1. The purpose of this act is to encourage owners of
15 land to make land and water areas available to the public for
16 recreational purposes by limiting their liability toward

1 [persons entering thereon for such purposes.]:

2 (1) recreational users; and

3 (2) persons or property, wherever located, based on:

4 (i) acts of omission by landowners; or

5 (ii) acts or acts of omission by recreational users.

6 Section 2. Section 2 of the act is amended by adding a
7 paragraph to read:

8 Section 2. As used in this act:

9 * * *

10 (5) "Recreational user" means any person who enters or uses
11 land for a recreational purpose.

12 Section 3. Sections 3, 4, 6 and 7 of the act are amended to
13 read:

14 Section 3. Except as specifically recognized or provided in
15 section 6 of this act, an owner of land owes no duty of care to
16 keep the premises safe for entry or use by [others for
17 recreational purposes] recreational users, or to give any
18 warning of a dangerous condition, use, structure, or activity on
19 such premises to [persons entering for such purposes]
20 recreational users.

21 Section 4. Except as specifically recognized by or provided
22 in section 6 of this act, an owner of land who either directly
23 or indirectly invites or permits without charge any [person]
24 recreational user to use such property [for recreational
25 purposes] does not thereby:

26 (1) Extend any assurance that the premises are safe for any
27 purpose.

28 (2) Confer upon such [person] recreational user the legal
29 status of an invitee or licensee to whom a duty of care is owed.

30 (3) Assume responsibility for or incur liability for any

1 injury to persons or property, wherever such persons or property
2 are located, caused by an act or an act of omission of [such
3 persons] a recreational user or an act of omission of a
4 landowner.

5 Section 6. Nothing in this act limits in any way any
6 liability which otherwise exists:

7 (1) For wilful or malicious failure to guard or warn against
8 a dangerous condition, use, structure, or activity.

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

16 Section 7. Nothing in this act shall be construed to:

17 (1) Create a duty of care or ground of liability for injury
18 to persons or property.

19 (2) Relieve any [person using the land of another for
20 recreational purposes] recreational user from any obligation
21 which he may have in the absence of this act to exercise care in
22 his use of such land and in his activities thereon, or from the
23 legal consequences of failure to employ such care.

24 Section 4. This act shall take effect in 60 days.