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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 33 Session of 2023

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INTRODUCED BY STRUZZI, WHITE, WARREN, FREEMAN, BURGOS, CIRESI, GALLAGHER, GUENST, HADDOCK, HEFFLEY, HOHENSTEIN, ISAACSON, JAMES, KINKEAD, LEADBETER, MADDEN, MARSHALL, N. NELSON, PICKETT, RADER, SANCHEZ, SAPPEY, SMITH, STURLA, WEBSTER AND ZIMMERMAN, MARCH 7, 2023

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REFERRED TO COMMITTEE ON TOURISM AND ECONOMIC AND RECREATIONAL DEVELOPMENT, MARCH 7, 2023

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AN ACT

1 Amending the act of February 2, 1966 (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 definitions, for duty to  
6 keep premises safe and warning and for assurance of safe  
7 premises and duty of care and responsibility and liability.

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

10 Section 1. Section 2 of the act of February 2, 1966 (1965  
11 P.L.1860, No.586), entitled "An act encouraging landowners to  
12 make land and water areas available to the public for  
13 recreational purposes by limiting liability in connection  
14 therewith, and repealing certain acts," is amended by adding  
15 paragraphs to read:

16 Section 2. As used in this act:

17 \* \* \*

18 (6) "Volunteer" means a person who, without compensation,

1 provides services to care for, enhance, preserve, restore or  
2 maintain land for recreational purposes.

3 (7) "Volunteer organization" means a nonprofit organization  
4 under 26 U.S.C. § 501(c)(3), (4) or (6) (relating to exemption  
5 from tax on corporations, certain trusts, etc.) or an  
6 independent, volunteer-based nonprofit organization dedicated to  
7 the care, enhancement, preservation, restoration or maintenance  
8 of land for a recreational purpose, including the organization's  
9 officer or director in any circumstance in which the officer or  
10 director is subject to personal liability as a representative of  
11 the organization.

12 Section 2. Sections 3 and 4 of the act are amended to read:

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

19 Section 4. Except as specifically recognized by or provided  
20 in section 6 of this act, an owner of land who either directly  
21 or indirectly invites or permits without charge any recreational  
22 user, volunteer or volunteer organization to use such property  
23 does not thereby:

24 (1) Extend any assurance that the premises are safe for any  
25 purpose.

26 (2) Confer upon such recreational user the legal status of  
27 an invitee or licensee to whom a duty of care is owed.

28 (3) Assume responsibility for or incur liability for any  
29 injury to persons or property caused by an act of omission of a  
30 recreational user or landowner.

1       (4) Assume responsibility for or incur liability for any  
2 injury to persons or property, wherever such persons or property  
3 are located, caused while hunting as defined in 34 Pa.C.S. § 102  
4 (relating to definitions).

5       Section 3. This act shall take effect in 60 days.