

---

THE GENERAL ASSEMBLY OF PENNSYLVANIA

---

HOUSE BILL

No. 741 Session of  
2015

---

INTRODUCED BY HANNA, THOMAS, McNEILL, MILLARD, PASHINSKI,  
SONNEY, GOODMAN, STAATS AND GRELL, MARCH 6, 2015

---

REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,  
MARCH 6, 2015

---

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 for 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," amended June 30, 2007  
14 (P.L.42, No.11), is amended to read:

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

18 (1) recreational users; and

19 (2) persons or property based on:

1     (i) acts of omission by landowners; or

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

3     Section 2. Section 2 of the act, amended July 7, 2011  
4 (P.L.254, No.47), is amended to read:

5     Section 2. As used in this act:

6     (1) "Land" means land, roads, water, watercourses, private  
7 ways and buildings, amenities, structures, ramps, paths, paved  
8 or unpaved trails, hunting blinds and areas providing access to,  
9 or parking for, lands and waters, including, but not limited to,  
10 access ramps or trails for use by persons with disabilities and  
11 machinery or equipment when attached to the realty.

12     (2) "Owner" means the possessor of a fee interest, a tenant,  
13 lessee, occupant or person in control of the premises.

14     (3) "Recreational purpose" means any activity undertaken or  
15 viewed for exercise, sport, education, recreation, relaxation or  
16 pleasure and includes, but is not limited to, any of the  
17 following, or any combination thereof: hunting, fishing,  
18 swimming, boating, recreational noncommercial aircraft  
19 operations or recreational noncommercial ultralight operations  
20 on private airstrips, camping, picnicking, hiking, pleasure  
21 driving, snowmobiling, all-terrain vehicle and motorcycle  
22 riding, nature study, water skiing, water sports, cave  
23 exploration and viewing or enjoying historical, archaeological,  
24 scenic, or scientific sites.

25     (4) "Charge" means the admission price or fee asked in  
26 return for invitation or permission to enter or go upon the  
27 land.

28     (5) "Recreational user" means a person who enters or uses  
29 land for a recreational purpose.

30     Section 3. Section 3 of the act is amended to read:

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

8       Section 4. Section 4 of the act, amended June 30, 2007  
9 (P.L.42, No.11), is amended to read:

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

15       (1) Extend any assurance that the premises are safe for any  
16 purpose.

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

19       (3) Assume responsibility for or incur liability for any  
20 injury to persons or property caused by an act of omission of  
21 [such persons] a recreational user or landowner.

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

26       Section 5. Sections 6 and 7 of the act are amended to read:

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

29       (1) For [wilful or malicious] failure to guard or warn  
30 against a dangerous condition, use, structure, or activity that

1 constitutes gross negligence.

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

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

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

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

17       Section 6. This act shall take effect in 60 days.