



HOUSE COMMITTEE ON APPROPRIATIONS

FISCAL NOTE

HOUSE BILL NO. 544

PRINTERS NO. 2193

PRIME SPONSOR: Moul

COST / (SAVINGS)

FUND	FY 2017/18	FY 2018/19
General Fund	\$0	\$0

SUMMARY: House Bill 544, Printer's Number 2193, addresses the issue of recreational use and liability to protect landowners in the event of injuries to recreational users.

ANALYSIS: This legislation amends Act 586 of 1965, which is entitled "an act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability connection..." The bill addresses and changes the act to identify recreational user as a person who enters or uses land for a recreational purpose and to limit landowner liability to recreational users and persons or property as well as acts of omission.

The definition of land is expanded significantly to include other structures and amenities of a property, including bridges, boat docks, ramps, fishing piers and paved and unpaved trails, while recreational user is identified as a person who enters or uses such land for a recreational purpose.

The term "recreational purpose" is also revised to address the additional inclusion of land amenities to include any activity for exercise, sport, education, recreation, relaxation or pleasure and...snowmobiling and all-terrain vehicle and motorcycle riding...and creation, mapping or maintenance of trails to which an owner has granted public access.

The definition of charge, which currently means an admission fee to use the land, is amended to specifically exclude any in-kind contributions made to an owner of real property that are voluntary in nature and for the purpose of conserving the land.

The bill was amended to remove language requiring courts to award attorney fees and legal costs to the landowner, lessee, manager, easement holder or occupant found not to be liable for an injury.

The effective date of this legislation is 60 days after enactment.

FISCAL IMPACT: Enactment of this bill will have no fiscal impact on Commonwealth funds.

PREPARED BY: Jeffrey Clukey
House Appropriations Committee (R)

DATE: December 5, 2017

Estimates are calculated using the best information available. Actual costs and revenue impact incurred may vary from estimates.