

LAND FOR RECREATION - LIABILITY FOR LANDOWNERS TO RECREATIONAL  
USERS

Act of Oct. 24, 2018, P.L. 671, No. 98

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Session of 2018

No. 2018-98

HB 544

AN ACT

Amending the act of February 2, 1966 (1965 P.L.1860, No.586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," further providing for liability for landowners to recreational users.

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

Section 1. Sections 1, 2, 3, 4, 6 and 7 of the act of February 2, 1966 (1965 P.L.1860, No.586), entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts," are amended to read:

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

- (1) **recreational users; and**
- (2) **persons or property based on:**
  - (i) **acts of omission by landowners; or**
  - (ii) **acts or acts of omission by recreational users.**

Section 2. As used in this act:

(1) "Land" means land, roads, water, watercourses, private ways and buildings, **amenities, structures, boating access and launch ramps, bridges, fishing piers, boat docks, ramps, paths, paved or unpaved trails, hunting blinds and machinery or equipment when attached to the realty. The term shall also include areas providing access to, or parking for, lands and waters, including, but not limited to, access ramps, trails or piers for use by recreational users with disabilities.**

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

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

(4) "Charge" means the admission price or fee asked in return for invitation or permission to enter or go upon the land. **The term does not include voluntary contributions, in-kind contributions or contributions made to an owner of real property that are not retained by the owner of the real**

property and are used by the owner of the real property exclusively for one or more of the following purposes:

- (i) conserving or maintaining the land;
- (ii) paying taxes on the real property; or
- (iii) paying for liability insurance on the real property.

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

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

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

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

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

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

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

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

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

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

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

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

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

Section 2. This act shall take effect in 60 days.

APPROVED--The 24th day of October, A.D. 2018.

TOM WOLF