

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 3028 Session of
2006

INTRODUCED BY BASTIAN, BENNINGHOFF, BALDWIN, BOYD, CAPPELLI,
CAUSER, CLYMER, CREIGHTON, DALLY, DeWEESE, J. EVANS,
FAIRCHILD, GEIST, GILLESPIE, HALUSKA, HANNA, HARPER, HERSHEY,
HICKERNELL, HUTCHINSON, M. KELLER, McCALL, MCGILL,
McILHATTAN, MILLARD, R. MILLER, MUSTIO, PERZEL, PICKETT,
PYLE, RAPP, ROSS, SAYLOR, SCAVELLO, SHANER, SONNEY, STABACK,
STERN, R. STEVENSON, SURRA, TANGRETTI, E. Z. TAYLOR, TIGUE,
WATSON, WILT, YUDICHAK AND QUIGLEY, OCTOBER 17, 2006

REFERRED TO COMMITTEE ON JUDICIARY, OCTOBER 17, 2006

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 definitions; and
6 providing for attorney fees and costs in certain civil
7 actions.

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, 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," amended March 26, 1992
15 (P.L.27, No.10), is amended to read:

16 Section 2. As used in this act:

17 (1) "Land" means land, roads, water, watercourses, trails,

1 private ways and buildings, structures and machinery or
2 equipment when attached to the realty.

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

5 (3) "Recreational purpose" includes, but is not limited to,
6 any of the following, or any combination thereof: hunting,
7 fishing, swimming, boating, camping, picnicking, hiking,
8 pleasure driving, nature study, motorized recreational vehicle
9 riding, water skiing, water sports, cave exploration and viewing
10 or enjoying historical, archaeological, scenic, or scientific
11 sites.

12 (4) "Charge" means the admission price or fee asked in
13 return for invitation or permission to enter or go upon the
14 land.

15 Section 2. The act is amended by adding a section to read:

16 Section 6.1. An owner of land who is a defendant in a civil
17 action that is dismissed or otherwise found to be without merit
18 by a court for the reason that the owner is not liable under the
19 provisions of this act shall be entitled to receive attorney
20 fees and costs in defending the action.

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