

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 13

Session of
2007

INTRODUCED BY READSHAW, BARRAR, BOYD, BUXTON, CALTAGIRONE,
DALEY, DENLINGER, DeWEESE, FAIRCHILD, GODSHALL, GOODMAN,
GRUCELA, HARHAI, HARHART, HARPER, HERSHEY, JAMES, M. KELLER,
KORTZ, KOTIK, LEVDANSKY, MARKOSEK, MUSTIO, NICKOL, PETRONE,
PHILLIPS, PRESTON, SAINATO, SAYLOR, SIPTROTH, SOLOBAY,
STABACK, WALKO, WANSACZ, WOJNAROSKI, ROAE, MARSHALL, GIBBONS
AND GERGELY, JANUARY 30, 2007

REFERRED TO COMMITTEE ON GAME AND FISHERIES, JANUARY 30, 2007

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 of landowners
6 toward recreational users, persons or property for acts or
7 acts of omission by recreational users.

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

10 Section 1. Section 1 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," 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 toward
18 [persons entering thereon for such purposes.]:

1 (1) recreational users entering thereon for such purposes;
2 and

3 (2) persons or property, wherever located, based on acts or
4 acts of omission by recreational users.

5 Section 2. Section 2 of the act is amended by adding a
6 paragraph to read:

7 Section 2. As used in this act:

8 * * *

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

11 Section 3. Sections 3, 4, 6 and 7 of the act are amended to
12 read:

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

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

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

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

29 (3) Assume responsibility for or incur liability for any
30 injury to persons or property, wherever such persons or property

1 are located, caused by an act or an act of omission of [such
2 persons] a recreational user.

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

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

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

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

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

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

22 Section 4. This act shall take effect in 60 days.