

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, GERGELY, PEIFER, HANNA, MANTZ, HORNAMAN, EVERETT AND BROOKS, JANUARY 30, 2007

AS RE-REPORTED FROM COMMITTEE ON GAME AND FISHERIES, HOUSE OF REPRESENTATIVES, AS AMENDED, APRIL 25, 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~~

1 ~~{persons entering thereon for such purposes.}:~~

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

3 ~~and~~

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

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

8 Section 2. ~~As used in this act:~~

9 * * *

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

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

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

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

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

28 ~~(2) Confer upon such {person} recreational user the legal~~
29 ~~status of an invitee or licensee to whom a duty of care is owed.~~

30 ~~(3) Assume responsibility for or incur liability for any~~

1 ~~injury to persons or property, wherever such persons or property~~
2 ~~are located, caused by an act or an act of omission of [such~~
3 ~~persons] a recreational user.~~

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

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

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

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

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

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

23 ~~Section 4. This act shall take effect in 60 days.~~

24 SECTION 1. SECTIONS 1 AND 4 OF THE ACT OF FEBRUARY 2, 1965 <—
25 (P.L.1860, NO.586), ENTITLED "AN ACT ENCOURAGING LANDOWNERS TO
26 MAKE LAND AND WATER AREAS AVAILABLE TO THE PUBLIC FOR
27 RECREATIONAL PURPOSES BY LIMITING LIABILITY IN CONNECTION
28 THEREWITH, AND REPEALING CERTAIN ACTS," ARE AMENDED TO READ:

29 SECTION 1. THE PURPOSE OF THIS ACT IS TO ENCOURAGE OWNERS OF
30 LAND TO MAKE LAND AND WATER AREAS AVAILABLE TO THE PUBLIC FOR

1 RECREATIONAL PURPOSES BY LIMITING THEIR LIABILITY [TOWARD
2 PERSONS ENTERING THEREON FOR SUCH PURPOSES].

3 SECTION 4. EXCEPT AS SPECIFICALLY RECOGNIZED BY OR PROVIDED
4 IN SECTION 6 OF THIS ACT, AN OWNER OF LAND WHO EITHER DIRECTLY
5 OR INDIRECTLY INVITES OR PERMITS WITHOUT CHARGE ANY PERSON TO
6 USE SUCH PROPERTY FOR RECREATIONAL PURPOSES DOES NOT THEREBY:

7 (1) EXTEND ANY ASSURANCE THAT THE PREMISES ARE SAFE FOR ANY
8 PURPOSE.

9 (2) CONFER UPON SUCH PERSON THE LEGAL STATUS OF AN INVITEE
10 OR LICENSEE TO WHOM A DUTY OF CARE IS OWED.

11 (3) ASSUME RESPONSIBILITY FOR OR INCUR LIABILITY FOR ANY
12 INJURY TO PERSONS OR PROPERTY CAUSED BY AN ACT OF OMISSION OF
13 SUCH PERSONS.

14 (4) ASSUME RESPONSIBILITY FOR OR INCUR LIABILITY FOR ANY
15 INJURY TO PERSONS OR PROPERTY, WHEREVER SUCH PERSONS OR PROPERTY
16 ARE LOCATED, CAUSED WHILE HUNTING PURSUANT TO 34 PA.C.S.
17 (RELATING TO GAME).

18 SECTION 2. THIS ACT SHALL TAKE EFFECT IMMEDIATELY.