

THE GENERAL ASSEMBLY OF PENNSYLVANIA

SENATE BILL

No. 1389 Session of  
2010

INTRODUCED BY ARGALL, FONTANA, M. WHITE, MUSTO, RAFFERTY AND  
ERICKSON, MAY 27, 2010

REFERRED TO ENVIRONMENTAL RESOURCES AND ENERGY, MAY 27, 2010

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," providing for a short title; further providing  
6 for definitions; and making editorial changes.

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

9 Section 1. Section 1 of the act of February 2, 1965  
10 (P.L.1860, No.586), entitled "An act encouraging landowners to  
11 make land and water areas available to the public for  
12 recreational purposes by limiting liability in connection  
13 therewith, and repealing certain acts," amended June 30, 2007  
14 (P.L.42, No.11), is repealed:

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

18 Section 2. The act is amended by adding sections to read:

19 Section 1.1. This act shall be known and may be cited as the  
20 "Recreational Use of Land and Water Act."

1     Section 1.2. The purpose of this act is to encourage owners  
2 of land to make land and water areas available to the public for  
3 recreational purposes by limiting their liability.

4     Section 3. Section 2 of the act, amended March 26, 1992  
5 (P.L.27, No.10), is amended to read:

6     Section 2. [As used in this act:] The following words and  
7 phrases when used in this act shall have the meanings given to  
8 them in this section unless the context clearly indicates  
9 otherwise:

10     "Charge." The admission price or fee asked in return for  
11 invitation or permission to enter or go upon the land.

12     [(1) "Land" means land] "Land." Land, roads, water,  
13 watercourses, private ways and buildings, structures and  
14 machinery or equipment when attached to the realty. The term  
15 includes nature trails.

16     [(2) "Owner" means the] "Owner." The possessor of a fee  
17 interest, a tenant, lessee, occupant or person in control of the  
18 premises.

19     [(3) "Recreational purpose" includes] "Recreational  
20 purpose." The term includes, but is not limited to, any of the  
21 following, or any combination thereof: hunting, fishing,  
22 swimming, boating, camping, picnicking, hiking, pleasure  
23 driving, nature study, water skiing, water sports, cave  
24 exploration and viewing or enjoying historical, archaeological,  
25 scenic, or scientific sites, and walking, jogging, bicycling,  
26 exercising and horseback riding on nature trails.

27     [(4) "Charge" means the admission price or fee asked in  
28 return for invitation or permission to enter or go upon the  
29 land.]

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