
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 598 Session of
2021

INTRODUCED BY OBERLANDER, PICKETT, HOWARD, MILLARD, DAY, KEEFER
AND MOUL, FEBRUARY 24, 2021

REFERRED TO COMMITTEE ON ENVIRONMENTAL RESOURCES AND ENERGY,
FEBRUARY 24, 2021

AN ACT

1 Amending the act of February 2, 1966 (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 recreational user's claim for property rights
7 and for the substitution of the Department of Conservation
8 and Natural Resources for a party in litigation.

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

11 Section 1. Section 2 of the act of February 2, 1966 (1965
12 P.L.1860, No.586), entitled "An act encouraging landowners to
13 make land and water areas available to the public for
14 recreational purposes by limiting liability in connection
15 therewith, and repealing certain acts," is amended by adding
16 definitions to read:

17 Section 2. As used in this act:

18 * * *

19 (6) "Local agency" means a "local agency" as defined in 2
20 Pa.C.S. § 101 (relating to definitions).

1 (7) "Public entity" means the Commonwealth, a Commonwealth
2 agency, a political subdivision or a local agency.

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

4 Section 7.1. A person or entity, other than a public entity,
5 may not make a claim for a prescriptive easement for the benefit
6 of the public.

7 Section 3. The addition of the definitions of "local agency"
8 and "public entity" in section 2 of the act and section 7.1 of
9 the act shall apply retroactively to a claim which arose within
10 21 years of the effective date of this section.

11 Section 4. The Department of Conservation and Natural
12 Resources shall be substituted for the person or entity, other
13 than a public entity, making a claim for a prescriptive easement
14 for the benefit of the public in any litigation pending on or
15 after the effective date of this section.

16 Section 5. This act shall take effect immediately.