

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1694 Session of 2021

INTRODUCED BY STRUZZI, DRISCOLL, WHITE, WARREN, MILLARD, McNEILL, ROWE, GUENST, HOHENSTEIN, SMITH, NEILSON, SANCHEZ, RADER, BOBACK, MENTZER, JOZWIAK, ISAACSON, WENTLING, JAMES AND HARKINS, JUNE 24, 2021

AS REPORTED FROM COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT, HOUSE OF REPRESENTATIVES, AS AMENDED, OCTOBER 27, 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 title of act, for <--
6 definitions, for duty to keep premises safe and warning and
7 for assurance of safe premises and duty of care and
8 responsibility and liability.

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

11 ~~Section 1. The title 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 to read:~~

AN ACT

17 ~~Encouraging landowners, volunteers and volunteer organizations~~
18 ~~to make land and water areas available to the public for~~
19 ~~recreational purposes by limiting liability in connection~~

1 ~~therewith, and repealing certain acts.~~

2 ~~Section 2. Section 1 of the act is amended to read:~~

3 ~~Section 1. The purpose of this act is to encourage owners of~~
4 ~~land, volunteers and volunteer organizations to make land and~~
5 ~~water areas available to the public for recreational purposes by~~
6 ~~limiting their liability to:~~

7 ~~(1) recreational users; and~~

8 ~~(2) persons or property based on:~~

9 ~~(i) acts of omission by landowners; or~~

10 ~~(ii) acts or acts of omission by recreational users.~~

11 ~~Section 3. Section 2 of the act is amended by adding~~
12 ~~paragraphs to read:~~

13 SECTION 1. SECTION 2 OF THE ACT OF FEBRUARY 2, 1966 (1965 <--
14 P.L.1860, NO.586), ENTITLED "AN ACT ENCOURAGING LANDOWNERS TO
15 MAKE LAND AND WATER AREAS AVAILABLE TO THE PUBLIC FOR
16 RECREATIONAL PURPOSES BY LIMITING LIABILITY IN CONNECTION
17 THEREWITH, AND REPEALING CERTAIN ACTS," IS AMENDED BY ADDING
18 PARAGRAPHS TO READ:

19 Section 2. As used in this act:

20 * * *

21 (6) "Volunteer" means a person who, without compensation,
22 provides services to care for, enhance, preserve, restore or
23 maintain land for recreational purposes.

24 (7) "Volunteer organization" means a nonprofit organization
25 under section 501(c)(3), (4) or (6) of the Internal Revenue Code
26 of 1986 (68A Stat. 3, 26 U.S.C. § 501(c)(3), (4) or (6)) or an
27 independent, volunteer-based nonprofit organization dedicated to
28 the care, enhancement, preservation, restoration or maintenance
29 of land for a recreational purpose, including the organization's
30 officer or director in any circumstance in which the officer or

1 director is subject to personal liability as a representative of
2 the organization.

3 Section 4 2. Sections 3 and 4 of the act are amended to <--
4 read:

5 Section 3. Except as specifically recognized or provided in
6 section 6 of this act, an owner of land, a volunteer or a
7 volunteer organization owes no duty of care to keep the premises
8 safe for entry or use by recreational users, or to give any
9 warning of a dangerous condition, use, structure, or activity on
10 such premises to recreational users.

11 Section 4. Except as specifically recognized by or provided
12 in section 6 of this act, an owner of land who either directly
13 or indirectly invites or permits without charge any recreational
14 user, volunteer or volunteer organization to use such property
15 does not thereby:

16 (1) Extend any assurance that the premises are safe for any
17 purpose.

18 (2) Confer upon such recreational user the legal status of
19 an invitee or licensee to whom a duty of care is owed.

20 (3) Assume responsibility for or incur liability for any
21 injury to persons or property caused by an act of omission of a
22 recreational user or landowner.

23 (4) Assume responsibility for or incur liability for any
24 injury to persons or property, wherever such persons or property
25 are located, caused while hunting as defined in 34 Pa.C.S. § 102
26 (relating to definitions).

27 Section 5 3. This act shall take effect in 60 days. <--