



January 11, 2019

SENATE BILL No. 220

DIGEST OF SB 220 (Updated January 9, 2019 11:40 am - DI 133)

Citations Affected: IC 14-22.

Synopsis: Going upon the premises of another. Amends the law providing that a person who goes upon the premises of another for certain purposes does not have an assurance that the premises are safe for the person's purpose. Specifies that the law applies to a person who goes upon the premises of another for the purpose of departing from a trail, greenway, or similar area.

Effective: July 1, 2019.

Koch, Freeman, Glick

January 3, 2019, read first time and referred to Committee on Judiciary.
January 10, 2019, reported favorably — Do Pass.

SB 220—LS 6630/DI 55



January 11, 2019

First Regular Session of the 121st General Assembly (2019)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2018 Regular and Special Session of the General Assembly.

SENATE BILL No. 220

A BILL FOR AN ACT to amend the Indiana Code concerning natural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-22-10-2, AS AMENDED BY P.L.29-2018,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2019]: Sec. 2. (a) As used in this section and section 2.5 of
4 this chapter, "governmental entity" means any of the following:
5 (1) The government of the United States of America.
6 (2) The state.
7 (3) A county.
8 (4) A city.
9 (5) A town.
10 (6) A township.
11 (7) The following, if created by the Constitution of the United
12 States, the Constitution of the State of Indiana, a statute, a
13 ordinance, a rule, or an order:
14 (A) An agency.
15 (B) A board.
16 (C) A commission.
17 (D) A committee.

SB 220—LS 6630/DI 55



- 1 (E) A council.
 2 (F) A department.
 3 (G) A district.
 4 (H) A public body corporate and politic.
- 5 (b) As used in this section and section 2.5 of this chapter, "monetary
 6 consideration" means a fee or other charge for permission to go upon
 7 a tract of land. The term does not include:
 8 (1) the gratuitous sharing of game, fish, or other products of the
 9 recreational use of the land;
 10 (2) services rendered for the purpose of wildlife management; or
 11 (3) contributions in kind made for the purpose of wildlife
 12 management.
- 13 (c) As used in this section and section 2.5 of this chapter, "owner"
 14 means a governmental entity or another person that:
 15 (1) has a fee interest in;
 16 (2) is a tenant, a lessee, or an occupant of; or
 17 (3) is in control of;
 18 a tract of land.
- 19 (d) A person who goes upon or through the premises, including
 20 caves, of another:
 21 (1) with or without permission; and
 22 (2) either:
 23 (A) without the payment of monetary consideration; or
 24 (B) with the payment of monetary consideration directly or
 25 indirectly on the person's behalf by an agency of the state or
 26 federal government;
 27 for the purpose of swimming, camping, hiking, sightseeing, or
 28 accessing **or departing from** a trail, a greenway, or another similar
 29 area, or for any other purpose (other than the purposes described in
 30 section 2.5 of this chapter) does not have an assurance that the
 31 premises are safe for the purpose.
- 32 (e) The owner of the premises does not:
 33 (1) assume responsibility; or
 34 (2) incur liability;
 35 for an injury to a person or property caused by an act or failure to act
 36 of other persons using the premises.
- 37 (f) This section does not affect the following:
 38 (1) Existing Indiana case law on the liability of owners or
 39 possessors of premises with respect to the following:
 40 (A) Business invitees in commercial establishments.
 41 (B) Invited guests.
 42 (2) The attractive nuisance doctrine.



1 (g) This section does not excuse the owner or occupant of premises
2 from liability for injury to a person or property caused by a malicious
3 or an illegal act of the owner or occupant.



COMMITTEE REPORT

Madam President: The Senate Committee on Judiciary, to which was referred Senate Bill No. 220, has had the same under consideration and begs leave to report the same back to the Senate with the recommendation that said bill DO PASS.

(Reference is to SB 220 as introduced.)

HEAD, Chairperson

Committee Vote: Yeas 10, Nays 0

SB 220—LS 6630/DI 55

