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AN ACT

RELATING TO LANDOWNER LIABILITY; LIMITING LIABILITY OF  
LANDOWNERS PERMITTING PERSONS TO EXPLORE CAVES ON PRIVATE  
PROPERTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 17-4-7 NMSA 1978 (being Laws 1967,  
Chapter 6, Section 1, as amended) is amended to read:

"17-4-7. LIABILITY OF LANDOWNER PERMITTING PERSONS TO  
HUNT, FISH OR USE LANDS FOR RECREATION--DUTY OF  
CARE--EXCEPTIONS.--

A. Any owner, lessee or person in control of lands  
who, without charge or other consideration, other than a  
consideration paid to the landowner by the state, the federal  
government or any other governmental agency, grants  
permission to any person or group to use the owner's,  
lessee's or land controller's lands for the purpose of  
hunting, fishing, trapping, camping, hiking, sightseeing, the  
operation of aircraft, cave exploring or any other  
recreational use does not thereby:

(1) extend any assurance that the premises  
are safe for such purpose;

(2) assume any duty of care to keep such  
lands safe for entry or use;

(3) assume responsibility or liability for

1 any injury or damage to or caused by such person or group; or

2 (4) assume any greater responsibility, duty  
3 of care or liability to such person or group than if  
4 permission had not been granted and the person or group were  
5 trespassers.

6 B. This section shall not limit the liability of  
7 any landowner, lessee or person in control of lands that may  
8 otherwise exist by law for injuries to any person granted  
9 permission to hunt, fish, trap, camp, hike, sightsee, operate  
10 aircraft, explore caves or use the land for recreation in  
11 exchange for a consideration, other than a consideration paid  
12 to the landowner by the state, the federal government or any  
13 other governmental agency.

14 C. For the purposes of this section, "cave" means  
15 a natural, geologically formed void or cavity beneath the  
16 surface of the earth, but does not mean a mine, tunnel,  
17 aqueduct or other manmade excavation." \_\_\_\_\_

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