
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2022 Session of
2014

INTRODUCED BY HANNA, LONGIETTI, NEUMAN, BARBIN, BIZZARRO,
BRADFORD, BURNS, CONKLIN, DEASY, FABRIZIO, GIBBONS, GOODMAN,
HARKINS, MULLERY, READSHAW AND SNYDER, FEBRUARY 10, 2014

REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,
FEBRUARY 10, 2014

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," further providing for liability for landowners
6 to recreational users.

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 amended to read:

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

18 (1) recreational users; and

19 (2) persons or property based on:

1 (i) acts of omission by landowners; or

2 (ii) acts or acts of omission by recreational users.

3 Section 2. Section 2 of the act, amended July 7, 2011
4 (P.L.254, No.47), is amended to read:

5 Section 2. As used in this act:

6 (1) "Land" means land, roads, water, watercourses, private
7 ways and buildings, amenities, structures, ramps, paths, paved
8 or unpaved trails, hunting blinds and areas providing access to,
9 or parking for, lands and waters, including, but not limited to,
10 access ramps or trails for use by persons with disabilities and
11 machinery or equipment when attached to the realty.

12 (2) "Owner" means the possessor of a fee interest, a tenant,
13 lessee, occupant or person in control of the premises.

14 (3) "Recreational purpose" means any activity undertaken or
15 viewed for exercise, sport, education, recreation, relaxation or
16 pleasure and includes, but is not limited to, any of the
17 following, or any combination thereof: hunting, fishing,
18 swimming, boating, recreational noncommercial aircraft
19 operations or recreational noncommercial ultralight operations
20 on private airstrips, camping, picnicking, hiking, pleasure
21 driving, snowmobiling, all-terrain vehicle and motorcycle
22 riding, nature study, water skiing, water sports, cave
23 exploration and viewing or enjoying historical, archaeological,
24 scenic, or scientific sites.

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

28 (5) "Recreational user" means a person who enters or uses
29 land for a recreational purpose.

30 (6) "Willful or malicious" means, in reference to an owner

1 of real property, an intention by the owner to cause harm or
2 which shows an indifference to or disregard for the safety of
3 others.

4 Section 3. Section 3 of the act is amended to read:

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

12 Section 4. Section 4 of the act, amended June 30, 2007
13 (P.L.42, No.11), is amended to read:

14 Section 4. Except as specifically recognized by or provided
15 in section 6 of this act, an owner of land who either directly
16 or indirectly invites or permits without charge any [person]
17 recreational user to use such property [for recreational
18 purposes] does not thereby:

19 (1) Extend any assurance that the premises are safe for any
20 purpose.

21 (2) Confer upon such [person] recreational user the legal
22 status of an invitee or licensee to whom a duty of care is owed.

23 (3) Assume responsibility for or incur liability for any
24 injury to persons or property caused by an act of omission of
25 [such persons] a recreational user or landowner.

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

30 Section 5. Sections 6 and 7 of the act are amended to read:

1 Section 6. Nothing in this act limits in any way any
2 liability which otherwise exists:

3 (1) For [wilful or malicious] failure to guard or warn
4 against a dangerous condition, use, structure, or activity that
5 constitutes gross negligence.

6 (2) For injury suffered in any case where the owner of land
7 charges the [person or persons] recreational user or users who
8 enter or go on the land [for the recreational use thereof],
9 except that in the case of land leased to the State or a
10 subdivision thereof, any consideration received by the owner for
11 such lease shall not be deemed a charge within the meaning of
12 its section.

13 Section 7. Nothing in this act shall be construed to:

14 (1) Create a duty of care or ground of liability for injury
15 to persons or property.

16 (2) Relieve any [person using the land of another for
17 recreational purposes] recreational user from any obligation
18 which he may have in the absence of this act to exercise care in
19 his use of such land and in his activities thereon, or from the
20 legal consequences of failure to employ such care.

21 Section 6. This act shall take effect in 60 days.