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H.55

Introduced by Representatives Howrigan of Fairfield, Canfield of Fair Haven,
Gilbert of Fairfax and Keenan of St. Albans City

Referred to Committee on

Date:

Subject: Public safety; landowner liability limitation; swimming pools

Statement of purpose: This bill proposes to require homeowners to surround
swimming pools with at least a four-foot fence with a door lock.

An act relating to safety standards for swimming pools

It is hereby enacted by the General Assembly of the State of Vermont:

Sec. 1. PURPOSE

The purpose of this act is to motivate swimming pool owners to provide
adequate fencing in order to minimize the danger of accidents, injuries, and
drowning to persons, particularly children, which may result from their
attraction to visible and accessible swimming pools.

Sec. 2. 12 V.S.A. § 5793 is amended to read:

§ 5793. LIABILITY LIMITED

(a) Land. An owner shall not be liable for property damage or personal
injury sustained by a person who, without consideration, enters or goes upon

1 the owner's land for a recreational use unless the damage or injury is the result
2 of the willful or wanton misconduct of the owner.

3 (b) Equipment, fixtures, machinery, swimming pools, or personal property.

4 (1) Unless the damage or injury is the result of the willful or wanton
5 misconduct of the owner, an owner shall not be liable for property damage or
6 personal injury sustained by a person who, without consideration and without
7 actual permission of the owner, enters or goes upon the owner's land for a
8 recreational use and proceeds to enter upon or use any of the following:

9 (A) ~~equipment~~ Equipment, machinery, or personal property; ~~or.~~

10 (B) ~~structures~~ Structures or fixtures not described in subdivision
11 5792(2)(A)(iii) or (iv) of this title.

12 (C) A swimming pool, either in-ground or above-ground, provided
13 that the pool is surrounded by a fence that is at least four feet high with a self-
14 latching gate at its top, through which the public does not have access.

15 (2) Permission to enter or go upon an owner's land shall not, by itself,
16 include permission to enter or go upon structures or to go upon or use
17 equipment, fixtures, machinery, swimming pools, or personal property.