

1 HB218
2 164845-1
3 By Representatives Sells, Boothe, Lee, Sessions, Greer,
4 Wilcox, Tuggle, Martin and McMillan
5 RFD: Public Safety and Homeland Security
6 First Read: 10-MAR-15

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8 SYNOPSIS: Owners of outdoor recreational land have
9 limited liability for allowing noncommercial open
10 recreational use of the land.

11 This bill would further define the term
12 "recreational use" to include aviation activities.

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14 A BILL
15 TO BE ENTITLED
16 AN ACT

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18 To amend Section 35-15-21, Code of Alabama 1975,
19 relating to the definition of "recreational use or
20 recreational purpose" for purposes of limiting liability for
21 landowners allowing public recreational use of land; to
22 include aviation activities in the definition.

23 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

24 Section 1. Section 35-15-21, Code of Alabama 1975,
25 is amended to read as follows:

26 "§35-15-21.

1 "Unless the context thereof clearly indicates to the
2 contrary, as used in this article the following terms shall
3 have the following meanings:

4 "(1) OWNER. Any public or private organization of
5 any character, including a partnership, corporation,
6 association, any individual, or any federal, State or local
7 political subdivision or any agency of any of the foregoing
8 having a legal right of possession of outdoor recreational
9 land. For the purpose of this article, an employee or agent of
10 the owner, but not an independent contractor while conducting
11 activities upon the outdoor recreational land, is deemed to be
12 an owner.

13 "(2) OUTDOOR RECREATIONAL LAND. Land and water, as
14 well as buildings, structures, machinery and other such
15 appurtenances used for or susceptible of recreational use.

16 "(3) RECREATIONAL USE or RECREATIONAL PURPOSE.
17 Participation in or viewing of activities including, but not
18 limited to, hunting, fishing, water sports, aerial sports,
19 aviation activities, hiking, camping, picnicking, winter
20 sports, animal or vehicular riding, or visiting, viewing or
21 enjoying historical, archeological, scenic or scientific
22 sites, and any related activity.

23 "(4) PERSON. Any individual, regardless of age,
24 maturity, or experience.

25 "(5) COMMERCIAL RECREATIONAL USE. Any use of land
26 for the purpose of receiving consideration for opening such
27 land to recreational use where such use or activity is

1 profit-motivated. Consideration does not include any benefits
2 provided by law in accordance with this article, any other
3 state or federal law, or in the form of good will for
4 permitting recreational use as stated in this article; nor
5 does consideration include a charge by the landowner for
6 maintenance fees where the primary use of the land is for
7 other than public recreational purposes."

8 Section 2. This act shall become effective
9 immediately following its passage and approval by the
10 Governor, or its otherwise becoming law.