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THE GENERAL ASSEMBLY OF PENNSYLVANIA

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HOUSE BILL

No. 1290 Session of  
2021

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INTRODUCED BY MASSER, MALONEY, RYAN, SMITH, MILLARD, ROWE,  
STRUZZI, HEFFLEY AND ZIMMERMAN, APRIL 27, 2021

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REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,  
APRIL 27, 2021

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AN ACT

1 Amending the act of February 2, 1966 (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 definitions, for  
6 applicability and for liability.

7 The General Assembly of the Commonwealth of Pennsylvania  
8 hereby enacts as follows:

9 Section 1. Section 2 of the act of February 2, 1966 (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," is amended by adding a  
14 paragraph to read:

15 Section 2. As used in this act:

16 \* \* \*

17 (6) "Authority" means a body politic and corporate that is  
18 engaged in developing, managing, maintaining or operating an  
19 off-road vehicle riding area and that is created under any of

1 the following:

2 (i) The former act of June 28, 1935 (P.L.463, No.191), known  
3 as the "Municipality Authorities Act of one thousand nine  
4 hundred and thirty-five."

5 (ii) The former act of May 2, 1945 (P.L.382, No.164), known  
6 as the "Municipality Authorities Act of 1945."

7 (iii) The provisions of 53 Pa.C.S. Ch. 56 (relating to  
8 municipal authorities).

9 Section 2. Sections 5 and 6(2) of the act are amended to  
10 read:

11 Section 5. Unless otherwise agreed in writing, the  
12 provisions of sections 3 and 4 of this act shall be deemed  
13 applicable to the duties and liability of an owner of land  
14 leased to the State or any subdivision thereof or an authority  
15 for recreational purposes.

16 Section 6. Nothing in this act limits in any way any  
17 liability which otherwise exists:

18 \* \* \*

19 (2) For injury suffered in any case where the owner of land  
20 charges the recreational user or users who enter or go on the  
21 land, except that in the case of land leased to the State or a  
22 subdivision thereof or an authority, any consideration received  
23 by the owner for such lease or any consideration received by the  
24 authority from a recreational user shall not be deemed a charge  
25 within the meaning of its section.

26 Section 3. This act shall take effect in 60 days.