
THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 1328 Session of
2017

INTRODUCED BY HANNA, MILLARD, SOLOMON, READSHAW AND SANKEY,
MAY 2, 2017

REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,
MAY 2, 2017

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. Sections 1, 2, 3, 4, 6 and 7 of the act of
10 February 2, 1965 (P.L.1860, No.586), entitled "An act
11 encouraging landowners to make land and water areas available to
12 the public for recreational purposes by limiting liability in
13 connection therewith, and repealing certain acts," are amended
14 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. As used in this act:

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

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

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

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

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

28 Section 3. Except as specifically recognized or provided in
29 section 6 of this act, an owner of land owes no duty of care to
30 keep the premises safe for entry or use by [others for

1 recreational purposes] recreational users, or to give any
2 warning of a dangerous condition, use, structure, or activity on
3 such premises to [persons entering for such purposes]
4 recreational users.

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

10 (1) Extend any assurance that the premises are safe for any
11 purpose.

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

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

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

21 Section 6. Nothing in this act limits in any way any
22 liability which otherwise exists:

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

26 (2) For injury suffered in any case where the owner of land
27 charges the [person or persons] recreational user or users who
28 enter or go on the land [for the recreational use thereof],
29 except that in the case of land leased to the State or a
30 subdivision thereof, any consideration received by the owner for

1 such lease shall not be deemed a charge within the meaning of
2 its section.

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

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

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

11 Section 2. This act shall take effect in 60 days.