

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 83 Session of 2023

INTRODUCED BY OBERLANDER, JAMES, ZIMMERMAN AND MOUL,
MARCH 7, 2023

REFERRED TO COMMITTEE ON JUDICIARY, MARCH 7, 2023

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; and
6 providing for recreational user's claim for property rights
7 and for the substitution of the Department of Conservation
8 and Natural Resources for a party in litigation.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 2 of the act of February 2, 1966 (1965
12 P.L.1860, No.586), entitled "An act encouraging landowners to
13 make land and water areas available to the public for
14 recreational purposes by limiting liability in connection
15 therewith, and repealing certain acts," is amended by adding
16 definitions to read:

17 Section 2. As used in this act:

18 * * *

19 (6) "Local agency" means a "local agency" as defined in 2
20 Pa.C.S. § 101 (relating to definitions).

21 (7) "Public entity" means the Commonwealth, a Commonwealth

1 agency, a political subdivision or a local agency.

2 Section 2. The act is amended by adding a section to read:

3 Section 7.1. A person or entity, other than a public entity,
4 may not make a claim for a prescriptive easement for the benefit
5 of the public.

6 Section 3. The addition of the definitions of "local agency"
7 and "public entity" in section 2 and section 7.1 of the act
8 shall apply retroactively to a claim which arose within 21 years
9 of the effective date of this section.

10 Section 4. The Department of Conservation and Natural
11 Resources shall be substituted for the person or entity, other
12 than a public entity, making a claim for a prescriptive easement
13 for the benefit of the public in any litigation pending on or
14 after the effective date of this section.

15 Section 5. This act shall take effect immediately.