HOUSE BILL No. 1090

DIGEST OF INTRODUCED BILL

Citations Affected: IC 14-16-1-28.

Synopsis: Off-road vehicle and snowmobile facilities. Provides that the law under which a landowner does not owe a duty of care to a person allowed to operate a vehicle for recreational purposes on the landowner's property applies whether or not the landowner charges the person a fee.

Effective: July 1, 2011.

Grubb, Cherry

January 5, 2011, read first time and referred to Committee on Judiciary.

C o p y

Introduced

First Regular Session 117th General Assembly (2011)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type.~~

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~*this style type*~~ reconciles conflicts between statutes enacted by the 2010 Regular Session of the General Assembly.

C o p y

HOUSE BILL No. 1090

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

SECTION 1. IC 14-16-1-28 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2011]: Sec. 28. (a) Except as provided in subsection (e), landowners and tenants of land do not owe a duty of care to do any of the following:

(1) Keep their premises safe for entry or use by persons operating, using, or riding in vehicles for recreational purposes.

(2) Give a warning of a dangerous condition, use, structure, or activity on their premises to such persons.

(b) Except as provided in subsection (d), a landowner or tenant who invites or permits a person to operate, use, or ride in a vehicle for recreational purposes on the landowner's or tenant's property does not do any of the following:

(1) Make any representation or extend any assurances that the premises are safe for any purpose.

(2) Confer upon the person the legal status of invitee or licensee to whom a duty of care is owed.

(3) Assume responsibility for or incur liability for any injury to a

person or property caused by an act or omission of the person.

(c) Unless otherwise agreed in writing, this section is considered applicable to the duties and liabilities of:

(1) an owner of land leased to; or

(2) the owner of an interest or a right in land transferred to or the subject of an agreement with;

the United States or an agency or a subdivision of the United States or the state or an agency or a subdivision of the state.

(d) This section does not do the following:

(1) Limit in any way any liability that otherwise exists.

(2) Apply to the following:

(A) Willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

(B) Deliberate, willful, or malicious injury to a person or property.

~~(C) Injury suffered in any case where the owner of land or tenant charges a fee or admission charge or other valuable consideration to a person who enters or uses the land with a vehicle for the purpose of using the vehicle for recreational purposes.~~

However, if land or an interest or a right in land is leased or transferred to or the subject of an agreement with the United States or an agency or a subdivision of the United States or to the state or an agency or subdivision of the state, any consideration received by the holder of the lease, interest, right, or agreement is not considered a charge under this section.

(e) This section does not do any of the following:

(1) Create or increase a duty of care or ground of liability for injury to a person or property.

(2) Relieve a person using a vehicle for recreational purposes upon the land of another from an obligation that the person may have in the absence of this section to exercise care in the use of the land and the person's activities on the land or from the legal consequences of failure to employ care.

C o p y