

HOUSE BILL 660

M1, D3

4lr2570
CF SB 533

By: **Delegates Myers, Afzali, Beitzel, Elliott, Glass, Hogan, Hough, Impallaria, K. Kelly, Krebs, Luedtke, W. Miller, Parrott, Ready, Schulz, Serafini, and Stocksdale**

Introduced and read first time: January 31, 2014

Assigned to: Environmental Matters

Committee Report: Favorable

House action: Adopted

Read second time: February 25, 2014

CHAPTER _____

1 AN ACT concerning

2 **Forests and Parks – Public Recreation on Private and State–Owned Land –**
3 **Off–Highway Vehicles**

4 FOR the purpose of expanding a certain liability exemption for a landowner who
5 agrees to the use of a defined part of the landowner’s property for cross–country
6 skiing or snowmobiling in Garrett County to apply to the use of an off–highway
7 vehicle in the State; defining a certain term; making conforming changes; and
8 generally relating to public recreation on private and State–owned land.

9 BY repealing and reenacting, with amendments,
10 Article – Natural Resources
11 Section 5–1101 and 5–1109
12 Annotated Code of Maryland
13 (2012 Replacement Volume and 2013 Supplement)

14 BY repealing and reenacting, without amendments,
15 Article – Natural Resources
16 Section 5–1108
17 Annotated Code of Maryland
18 (2012 Replacement Volume and 2013 Supplement)

19 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF
20 MARYLAND, That the Laws of Maryland read as follows:

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.

Underlining indicates amendments to bill.

~~Strike out~~ indicates matter stricken from the bill by amendment or deleted from the law by amendment.



Article – Natural Resources

1

2 5–1101.

3 (a) In this subtitle the following words have the meanings indicated.

4 (b) (1) “Charge” means price or fee asked for services, entertainment,
5 recreation performed, or products offered for sale on land or in return for invitation or
6 permission to enter or go upon land.

7 (2) “Charge” does not include:

8 (i) The sharing of game, fish, or other products of recreational
9 use;

10 (ii) Benefits to the land arising from the recreational use; or

11 (iii) Contributions in kind or services to promote the
12 management or conservation of resources on the land.

13 (c) “Educational purpose” includes:

14 (1) Nature study;

15 (2) Farm visitations for purposes of learning about the farming
16 operation;17 (3) Practice judging of livestock, dairy cattle, poultry, other animals,
18 agronomy crops, horticultural crops, or other farm products;19 (4) Organized visits to farms by school children, 4–H clubs, FFA clubs,
20 and others as part of their educational programs;21 (5) Organized visits for purposes of participating in or observing
22 historical reenactments as part of an educational or cultural program; and

23 (6) Observation of historical, archaeological, or scientific sites.

24 (d) (1) “Land” means land, roads, paths, trails, water, watercourses,
25 private ways and buildings, structures, and machinery or equipment when attached to
26 realty.27 (2) “Land” does not include any structure or equipment provided by a
28 unit of local government for the purpose of public recreation.

1 (E) "OFF-HIGHWAY VEHICLE" OR "OHV" MEANS A MOTOR-ASSISTED
2 OR MOTOR-DRIVEN VEHICLE THAT IS:

3 (1) DESIGNED FOR OR CAPABLE OF CROSS-COUNTRY TRAVEL ON
4 OR DIRECTLY OVER LAND, SNOW, OR OTHER NATURAL TERRAIN; AND

5 (2) NOT INTENDED FOR USE ON PUBLIC ROADS.

6 [(e)] (F) "Owner" means the owner of any estate or other interest in real
7 property, whether possessory or nonpossessory, including the grantee of an easement.

8 [(f)] (G) "Recreational purpose" means any recreational pursuit.

9 5-1108.

10 (a) To facilitate a method of providing written consent, the Secretary shall
11 distribute permission cards, to be available to the public and to landowners.

12 (b) One side of the card shall read:

13 PERMISSION TO ENTER

14 I hereby grant the person named on the reverse side permission to enter my
15 property, subject to the terms of the agreement, on the following dates:

16 Signed _____
17 (Landowner)

18 (c) The reverse side shall read:

19 AGREEMENT

20 In return for the privilege of entering on the private property for any recreational
21 or educational purpose as defined in the Natural Resources Article § 5-1101, I agree to
22 adhere to every law, observe every safety precaution and practice, take every
23 precaution against fire, and assume all responsibility and liability for my person and
24 my property, while on the landowner's property.

25 Signed _____

26 5-1109.

27 (a) If a landowner [in Garrett County] agrees to the use of a defined part of
28 the landowner's real property for the use of cross-country skiing or for the use of
29 [snowmobiles] AN OHV, any person who uses the part of the real property impliedly
30 consents to adhere to every law, to observe every safety precaution and practice, to
31 take every precaution against fire, and to assume all responsibility and liability for the
32 person's safety and property while cross-country skiing or [snowmobiling] USING AN
33 OHV on the landowner's real property.

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1 (b) The provisions of § 5–1108(b) and (c) of this subtitle apply when a
2 landowner leases any defined part of the landowner’s real property for the use of
3 cross–country skiing or for the use of [snowmobiles] **AN OHV**.

4 (c) The Department shall adopt regulations to permit cross–country skiing or
5 [snowmobile] **OHV** use on those defined parts of a landowner’s real property on which
6 cross–country skiing or [snowmobile] **OHV** use is allowed under this section.

7 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect
8 October 1, 2014.

Approved:

Governor.

Speaker of the House of Delegates.

President of the Senate.