M1, D3 4lr2507 CF 4lr2570

By: Senator Edwards

Introduced and read first time: January 29, 2014

Assigned to: Judicial Proceedings

## A BILL ENTITLED

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:					
21	Article - Natural Resources					
22	5–1101.					
23	(a) In this subtitle the following words have the meanings indicated.					



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1 2 3		(1) "Charge" means price or fee asked for services, entertainment, in performed, or products offered for sale on land or in return for invitation or on to enter or go upon land.			
4		(2)	"Char	ge" does not include:	
5 6	use;		(i)	The sharing of game, fish, or other products of recreational	
7			(ii)	Benefits to the land arising from the recreational use; or	
8 9	managemei	nt or co	(iii) onserva	Contributions in kind or services to promote the tion of resources on the land.	
10	(c)	"Edu	cationa	l purpose" includes:	
11		(1)	Natur	e study;	
12 13	operation;	(2)	Farm	visitations for purposes of learning about the farming	
14 15	agronomy c	(3) crops, h	Practice judging of livestock, dairy cattle, poultry, other animals, horticultural crops, or other farm products;		
16 17	and others	(4) as part	_	nized visits to farms by school children, 4–H clubs, FFA clubs, r educational programs;	
18 19	historical re	(5) eenacti	_	nized visits for purposes of participating in or observing s part of an educational or cultural program; and	
20		(6)	Obser	vation of historical, archaeological, or scientific sites.	
21 22 23	(d) (1) "Land" means land, roads, paths, trails, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to realty.				
24 25	unit of local	(2) l gover		" does not include any structure or equipment provided by a for the purpose of public recreation.	
26 27	(E) "OFF-HIGHWAY VEHICLE" OR "OHV" MEANS A MOTOR-ASSISTED OR MOTOR-DRIVEN VEHICLE THAT IS:				
28 29	OR DIRECT	(1) TLY OV		GNED FOR OR CAPABLE OF CROSS-COUNTRY TRAVEL ON ND, SNOW, OR OTHER NATURAL TERRAIN; AND	

(2) NOT INTENDED FOR USE ON PUBLIC ROADS.

- 1 "Owner" means the owner of any estate or other interest in real [(e)] **(F)** 2 property, whether possessory or nonpossessory, including the grantee of an easement. "Recreational purpose" means any recreational pursuit. 3 [(f)] **(**G**)** 5-1108. 4 To facilitate a method of providing written consent, the Secretary shall 5 (a) 6 distribute permission cards, to be available to the public and to landowners. (b) One side of the card shall read: 7 PERMISSION TO ENTER 8 9 I hereby grant the person named on the reverse side permission to enter my property, subject to the terms of the agreement, on the following dates: 10 Signed \_\_\_\_\_ 11 (Landowner) 12 The reverse side shall read: 13 (c) AGREEMENT 14 In return for the privilege of entering on the private property for any recreational 15 or educational purpose as defined in the Natural Resources Article § 5–1101, I agree to 16 adhere to every law, observe every safety precaution and practice, take every 17 18 precaution against fire, and assume all responsibility and liability for my person and 19 my property, while on the landowner's property. Signed 20 5-1109.2122 If a landowner [in Garrett County] agrees to the use of a defined part of 23 the landowner's real property for the use of cross-country skiing or for the use of 24[snowmobiles] AN OHV, any person who uses the part of the real property impliedly 25 consents to adhere to every law, to observe every safety precaution and practice, to take every precaution against fire, and to assume all responsibility and liability for the 26 27 person's safety and property while cross-country skiing or [snowmobiling] USING AN **OHV** on the landowner's real property. 28 The provisions of § 5–1108(b) and (c) of this subtitle apply when a 29 landowner leases any defined part of the landowner's real property for the use of 30 cross-country skiing or for the use of [snowmobiles] AN OHV. 31
  - (c) The Department shall adopt regulations to permit cross—country skiing or [snowmobile] **OHV** use on those defined parts of a landowner's real property on which cross—country skiing or [snowmobile] **OHV** use is allowed under this section.

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