

# SENATE BILL 533

M1, D3

4r2507  
CF HB 660

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By: **Senator Edwards**

Introduced and read first time: January 29, 2014

Assigned to: Judicial Proceedings

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Committee Report: Favorable

Senate action: Adopted

Read second time: March 19, 2014

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## 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:

21 **Article – Natural Resources**

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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.



1 5-1101.

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

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

6 (2) "Charge" does not include:

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

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

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

12 (c) "Educational purpose" includes:

13 (1) Nature study;

14 (2) Farm visitations for purposes of learning about the farming  
15 operation;

16 (3) Practice judging of livestock, dairy cattle, poultry, other animals,  
17 agronomy crops, horticultural crops, or other farm products;

18 (4) Organized visits to farms by school children, 4-H clubs, FFA clubs,  
19 and others as part of their educational programs;

20 (5) Organized visits for purposes of participating in or observing  
21 historical reenactments as part of an educational or cultural program; and

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

23 (d) (1) "Land" means land, roads, paths, trails, water, watercourses,  
24 private ways and buildings, structures, and machinery or equipment when attached to  
25 realty.

26 (2) "Land" does not include any structure or equipment provided by a  
27 unit of local government for the purpose of public recreation.

28 (E) **"OFF-HIGHWAY VEHICLE" OR "OHV" MEANS A MOTOR-ASSISTED**  
29 **OR MOTOR-DRIVEN VEHICLE THAT IS:**

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

3           **(2) NOT INTENDED FOR USE ON PUBLIC ROADS.**

4           **[(e)] (F)** “Owner” means the owner of any estate or other interest in real  
 5 property, whether possessory or nonpossessory, including the grantee of an easement.

6           **[(f)] (G)** “Recreational purpose” means any recreational pursuit.

7 5–1108.

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

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

11 **PERMISSION TO ENTER**

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

14 Signed \_\_\_\_\_

15 (Landowner)

16          (c) The reverse side shall read:

17 **AGREEMENT**

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

23 Signed \_\_\_\_\_

24 5–1109.

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

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

1           (c)     The Department shall adopt regulations to permit cross-country skiing or  
2 **[snowmobile] OHV** use on those defined parts of a landowner's real property on which  
3 cross-country skiing or **[snowmobile] OHV** use is allowed under this section.

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

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.