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

A BILL ENTITLED

AN ACT concerning

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

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

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

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

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

Article – Natural Resources

5–1101.

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

EXPLANATION: **CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.**
[Brackets**]** indicate matter deleted from existing law.

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

(2) "Charge" does not include:

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

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

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

(c) "Educational purpose" includes:

(1) Nature study;

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

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

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

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

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

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

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

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

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

(2) NOT INTENDED FOR USE ON PUBLIC ROADS.

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

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

5–1108.

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

(b) One side of the card shall read:

PERMISSION TO ENTER

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:

Signed _____

(Landowner)

(c) The reverse side shall read:

AGREEMENT

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

Signed _____

5–1109.

(a) If a landowner **[**in Garrett County**]** agrees to the use of a defined part of the landowner's real property for the use of cross–country skiing or for the use of **[**snowmobiles**] AN OHV**, any person who uses the part of the real property impliedly 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 person's safety and property while cross–country skiing or **[**snowmobiling**] USING AN OHV** on the landowner's real property.

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

(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.

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