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By: **Delegates Sher, Stern, Taylor, Hurson, Hammen, Carlson, Shriver, and Boutin**

Introduced and read first time: January 28, 2000

Assigned to: Environmental Matters

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A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources - Public Recreation on Private and Public Land -**  
3 **Liability**

4 FOR the purpose of making certain provisions concerning the duty of care and  
5 liability applicable to certain land owned by a unit of local government and used  
6 for certain recreational or educational purposes; providing that certain  
7 provisions concerning the duty of care and liability to certain land used for  
8 certain recreational or educational purposes are in addition to certain other  
9 defenses or immunities; altering certain definitions; and generally relating to  
10 liability in private and public land used for public recreation.

11 BY repealing and reenacting, with amendments,  
12 Article - Natural Resources  
13 Section 5-1101(b), (d), (e), and (f)  
14 Annotated Code of Maryland  
15 (1997 Replacement Volume and 1999 Supplement)

16 BY repealing and reenacting, without amendments,  
17 Article - Natural Resources  
18 Section 5-1103 and 5-1104  
19 Annotated Code of Maryland  
20 (1997 Replacement Volume and 1999 Supplement)

21 BY adding to  
22 Article - Natural Resources  
23 Section 5-1105.1  
24 Annotated Code of Maryland  
25 (1997 Replacement Volume and 1999 Supplement)

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

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**Article - Natural Resources**

2 5-1101.

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  
8 RECREATIONAL USE;

9 (II) BENEFITS TO THE LAND ARISING FROM THE RECREATIONAL  
10 USE;

11 (III) CONTRIBUTIONS IN KIND, SERVICES, OR CASH MADE TO THE  
12 MANAGEMENT OR CONSERVATION OF RESOURCES ON THE LAND; OR

13 (IV) A FEE CHARGED BY A UNIT OF LOCAL GOVERNMENT.

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

16 (2) "LAND" DOES NOT INCLUDE ANY STRUCTURE OR EQUIPMENT  
17 PROVIDED BY A UNIT OF LOCAL GOVERNMENT FOR THE PURPOSE OF PUBLIC  
18 RECREATION.

19 (e) "Owner" means the [possessor of a fee interest, tenant, lessee, or person  
20 who possesses the premises] OWNER OF ANY ESTATE OR OTHER INTEREST IN REAL  
21 PROPERTY, WHETHER POSSESSORY OR NONPOSSESSORY, INCLUDING THE GRANTEE  
22 OF AN EASEMENT.

23 (f) "Recreational purpose" [includes the following or any combination of the  
24 following: Hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure  
25 driving, nature study, water skiing, winter sports, horseback riding or horse driving,  
26 operating motorized recreational vehicles, jogging, marathon racing, hang gliding, hot  
27 air ballooning, and operating light airplanes and other forms of recreational aircraft,  
28 and viewing or enjoying historical, archaeological, scenic, or scientific sites] MEANS  
29 ANY RECREATIONAL PURSUIT.

30 5-1103.

31 Except as specifically recognized by or provided in § 5-1106 of this subtitle, an  
32 owner of land owes no duty of care to keep the premises safe for entry or use by others  
33 for any recreational or educational purpose, or to give any warning of a dangerous  
34 condition, use, structure, or activity on the premises to any person who enters on the  
35 land for these purposes.

1 5-1104.

2 Except as specifically recognized by or provided in § 5-1106 of this subtitle, an  
3 owner of land who either directly or indirectly invites or permits without charge  
4 persons to use the property for any recreational or educational purpose or to cut  
5 firewood for personal use does not by this action:

6 (1) Extend any assurance that the premises are safe for any purpose;

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

9 (3) Assume responsibility for or incur liability as a result of any injury to  
10 the person or property caused by an act of omission of the person.

11 5-1105.1.

12 THE PROVISIONS OF §§ 5-1103 AND 5-1104 OF THIS SUBTITLE ARE:

13 (1) APPLICABLE TO A UNIT OF LOCAL GOVERNMENT AS AN OWNER OF  
14 LAND; AND

15 (2) IN ADDITION TO ANY OTHER DEFENSES OR IMMUNITIES AVAILABLE  
16 TO A UNIT OF LOCAL GOVERNMENT OR OTHER OWNER.

17 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
18 October 1, 2000.