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

Introduced and read first time: January 28, 2000
Assigned to: Environmental Matters

Committee Report: Favorable with amendments
House action: Adopted
Read second time: February 29, 2000

CHAPTER _____

1 AN ACT concerning

2 **Natural Resources - Public Recreation on Private ~~and Public Land~~ Land**
3 **and Land Owned by Local Governments - 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~~ connection with the use of private land
11 and land owned by local governments for public recreation.

12 BY repealing and reenacting, with amendments,
13 Article - Natural Resources
14 Section 5-1101(b), (d), (e), and ~~(f)~~ (f), to be under the amended subtitle "Subtitle
15 11. Public Recreation on Private Land and Land Owned by Local
16 Governments"
17 Annotated Code of Maryland
18 (1997 Replacement Volume and 1999 Supplement)

19 BY repealing and reenacting, without amendments,
20 Article - Natural Resources
21 Section 5-1103 and 5-1104
22 Annotated Code of Maryland
23 (1997 Replacement Volume and 1999 Supplement)

1 BY adding to
 2 Article - Natural Resources
 3 Section 5-1105.1
 4 Annotated Code of Maryland
 5 (1997 Replacement Volume and 1999 Supplement)

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

8 **Article - Natural Resources**

9 Subtitle 11. Public Recreation on Private Land AND LAND OWNED BY LOCAL
 10 GOVERNMENTS.

11 5-1101.

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

15 (2) "CHARGE" DOES NOT INCLUDE:

16 (I) THE SHARING OF GAME, FISH, OR OTHER PRODUCTS OF
 17 RECREATIONAL USE;

18 (II) BENEFITS TO THE LAND ARISING FROM THE RECREATIONAL
 19 USE; OR

20 (III) CONTRIBUTIONS IN ~~KIND, SERVICES, KIND OR SERVICES OR~~
 21 ~~CASH MADE TO PROMOTE~~ THE MANAGEMENT OR CONSERVATION OF RESOURCES ON
 22 ~~THE LAND; OR LAND~~

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

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

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

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

34 (f) "Recreational purpose" [includes the following or any combination of the
 35 following: Hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure

1 driving, nature study, water skiing, winter sports, horseback riding or horse driving,
2 operating motorized recreational vehicles, jogging, marathon racing, hang gliding, hot
3 air ballooning, and operating light airplanes and other forms of recreational aircraft,
4 and viewing or enjoying historical, archaeological, scenic, or scientific sites] MEANS
5 ANY RECREATIONAL PURSUIT.

6 5-1103.

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

12 5-1104.

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

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

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

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

22 5-1105.1.

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

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

26 (2) IN ADDITION TO ANY OTHER COMMON LAW OR STATUTORY
27 DEFENSES OR IMMUNITIES AVAILABLE TO A UNIT OF LOCAL GOVERNMENT OR
28 OTHER OWNER.

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

