

# HOUSE BILL 1246

M2, M1, D3

7lr3174

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By: **Delegates Clark, Chang, Fisher, S. Howard, Jackson, Jameson, Morgan, Otto, Patterson, Rey, Sophocleus, Vallario, and West**

Introduced and read first time: February 10, 2017

Assigned to: Environment and Transportation

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Committee Report: Favorable

House action: Adopted

Read second time: March 15, 2017

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## CHAPTER \_\_\_\_\_

1 AN ACT concerning

2 **Forests and Parks – Public Recreation on Private and State-Owned Land –**  
3 **Hunting**

4 FOR the purpose of expanding a certain liability exemption for a landowner who agrees to  
5 the use of a defined part of the landowner's property for cross-country skiing or  
6 off-highway vehicle use to apply to hunting; making certain conforming changes;  
7 making a certain stylistic change; and generally relating to public recreation on  
8 private and State-owned land.

9 BY repealing and reenacting, without amendments,  
10 Article – Natural Resources  
11 Section 5–1101(a) and (g), 5–1104, 5–1106, 5–1108, and 10–411  
12 Annotated Code of Maryland  
13 (2012 Replacement Volume and 2016 Supplement)

14 BY repealing and reenacting, with amendments,  
15 Article – Natural Resources  
16 Section 5–1109  
17 Annotated Code of Maryland  
18 (2012 Replacement Volume and 2016 Supplement)

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

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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 **Article – Natural Resources**

2 5–1101.

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

4 (g) “Recreational purpose” means any recreational pursuit.

5 5–1104.

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

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

11 (2) Confer upon the person the legal status of an invitee or licensee to  
12 whom a duty of care is owed; or13 (3) Assume responsibility for or incur liability as a result of any injury to  
14 the person or property caused by an act of omission of the person.

15 5–1106.

16 The provisions of this subtitle do not limit in any way any liability which otherwise  
 17 exists for willful or malicious failure to guard or warn against a dangerous condition, use,  
 18 structure, or activity; or for injury suffered where the owner of the land charges the person  
 19 who enters or goes on the land for recreational or educational use. However, if land is leased  
 20 to the State or any of its political subdivisions, any consideration the owner receives for the  
 21 lease is not a charge within the meaning of this section.

22 5–1108.

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

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

26 PERMISSION TO ENTER

27 I hereby grant the person named on the reverse side permission to enter my  
28 property, subject to the terms of the agreement, on the following dates:29 Signed \_\_\_\_\_  
30 (Landowner)

31 (c) The reverse side shall read:

## 1 AGREEMENT

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

7 Signed \_\_\_\_\_

8 5-1109.

9 (a) If a landowner agrees to the use of a defined part of the landowner's real  
10 property for the use of cross-country skiing [or], for the use of an OHV, **OR FOR HUNTING**,  
11 any person who uses the part of the real property impliedly consents to adhere to every law,  
12 to observe every safety precaution and practice, to take every precaution against fire, and  
13 to assume all responsibility and liability for the person's safety and property while  
14 cross-country skiing [or], using an OHV, **OR HUNTING** on the landowner's real property.

15 (b) The provisions of § 5-1108(b) and (c) of this subtitle apply when a landowner  
16 leases any defined part of the landowner's real property for the use of cross-country skiing  
17 [or], for the use of an OHV, **OR FOR HUNTING**.

18 (c) The Department shall adopt regulations to [permit] **ALLOW** cross-country  
19 skiing [or], OHV use, **OR HUNTING** on those defined parts of a landowner's real property  
20 on which cross-country skiing [or], OHV use, **OR HUNTING** is allowed under this section.

21 10-411.

22 (a) A person may not upon any pretense come to hunt on the lands owned by  
23 another person without the written permission of the landowner or the landowner's agent  
24 or lessee.

25 (b) Any person hunting on this private property is liable for any damage the  
26 person causes to the private property while hunting on the private property.

27 (c) The landowner may not be liable for accidental injury or damage to the person  
28 whether or not the landowner or the landowner's agent gave permission to hunt on the  
29 private property.

30 (d) In Harford County a person who violates subsection (a) of this section is guilty  
31 of a misdemeanor and on conviction is subject to a fine of not less than \$25 and not  
32 exceeding \$250.

33 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect  
34 October 1, 2017.