

# SENATE BILL 582

M2, M1

(2lr2657)

## ENROLLED BILL

— *Education, Health, and Environmental Affairs/Environment and Transportation* —

Introduced by **Senator Bailey**

Read and Examined by Proofreaders:

\_\_\_\_\_  
Proofreader.

\_\_\_\_\_  
Proofreader.

Sealed with the Great Seal and presented to the Governor, for his approval this

\_\_\_\_\_ day of \_\_\_\_\_ at \_\_\_\_\_ o'clock, \_\_\_\_\_ M.

\_\_\_\_\_  
President.

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

1 AN ACT concerning

2 **Natural Resources – Recreation on Private Land – Hunting**

3 FOR the purpose of providing that if a landowner ~~directly~~ invites or permits *on a limited*  
4 *entry basis, with or* without charge, an individual to use the landowner's real  
5 property for hunting, the invited or permitted individual impliedly consents to  
6 adhere to every law, observe every safety precaution and practice, observe all  
7 property boundaries, take every precaution against fire, and assume all  
8 responsibility and liability for the individual's safety and property while hunting on  
9 the landowner's real property; *altering the stated purpose of the Maryland*  
10 *Recreational Use Statute*; and generally relating to hunting on private land.

11 BY repealing and reenacting, with amendments,  
12 Article – Natural Resources  
13 Section ~~5-1106~~ *5-1102(a), 5-1106, and* 5-1109  
14 Annotated Code of Maryland

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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.

*Italics indicate opposite chamber/conference committee amendments.*



(2018 Replacement Volume and 2021 Supplement)

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

**Article – Natural Resources**

5-1102.

*(a) The purpose of this subtitle is to encourage any owner of land to make land, water, and airspace above the land and water areas available to the public for any recreational and educational purpose, OR ON A LIMITED ENTRY BASIS FOR ANY RECREATIONAL HUNTING PURPOSE, by limiting the owner's liability toward any person who enters on land, water, and airspace above the land and water areas for these purposes.*

5-1106.

**(A)** The provisions of this subtitle do not limit in any way any liability which otherwise exists for [willful]:

**(1)** WILLFUL or malicious failure to guard or warn against a dangerous condition, use, structure, or activity; or [for]

**(2)** EXCEPT AS PROVIDED IN ~~§ 5-1109~~ § 5-1109(A)(2) OF THIS SUBTITLE, injury suffered where the owner of the land charges the person who enters or goes on the land for recreational or educational use. [However, if]

**(B)** IF land is leased to the State or any of its political subdivisions, any consideration the owner receives for the lease is not a charge within the meaning of this section.

5-1109.

**(a) (1)** If a landowner agrees to the ~~PUBLIC~~ use of a defined part of the landowner's real property for the use of cross-country skiing, for the use of an OHV, or for hunting, 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, using an OHV, or hunting on the landowner's real property.

**(2)** IF A LANDOWNER ~~DIRECTLY~~ INVITES OR PERMITS ON A LIMITED ENTRY BASIS, WITH OR WITHOUT CHARGE, AN INDIVIDUAL TO USE THE LANDOWNER'S REAL PROPERTY FOR HUNTING, THE INVITED OR PERMITTED INDIVIDUAL WHO USES THE REAL PROPERTY FOR HUNTING IMPLIEDLY CONSENTS TO ADHERE TO EVERY LAW, TO OBSERVE EVERY SAFETY PRECAUTION AND

1 **PRACTICE, TO OBSERVE ALL PROPERTY BOUNDARIES, TO TAKE EVERY PRECAUTION**  
2 **AGAINST FIRE, AND TO ASSUME ALL RESPONSIBILITY AND LIABILITY FOR THE**  
3 **INDIVIDUAL’S SAFETY AND PROPERTY WHILE HUNTING ON THE LANDOWNER’S REAL**  
4 **PROPERTY.**

5 (b) The provisions of § 5–1108(b) and (c) of this subtitle apply when a landowner  
6 leases any defined part of the landowner’s real property for the use of cross–country skiing,  
7 for the use of an OHV, or for hunting.

8 (c) The Department shall adopt regulations to allow cross–country skiing, OHV  
9 use, or hunting ~~BY THE PUBLIC~~ on those defined parts of a landowner’s real property on  
10 which cross–country skiing, OHV use, or hunting ~~BY THE PUBLIC~~ is allowed under this  
11 section.

12 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July  
13 1, 2022.

Approved:

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Governor.

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President of the Senate.

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Speaker of the House of Delegates.