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
   entry basis, with or without charge, an individual to use the landowner’s real
   property for hunting, the invited or permitted individual impliedly consents to
   adhere to every law, observe every safety precaution and practice, observe all
   property boundaries, take every precaution against fire, and assume all
   responsibility and liability for the individual’s safety and property while hunting on
   the landowner’s real property; altering the stated purpose of the Maryland
   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

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.
SENATE BILL 582

(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
PRACTICE, TO OBSERVE ALL PROPERTY BOUNDARIES, TO TAKE EVERY PRECAUTION AGAINST FIRE, AND TO ASSUME ALL RESPONSIBILITY AND LIABILITY FOR THE INDIVIDUAL’S SAFETY AND PROPERTY WHILE HUNTING 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, for the use of an OHV, or for hunting.

(c) The Department shall adopt regulations to allow cross–country skiing, OHV use, or hunting by the public on those defined parts of a landowner’s real property on which cross–country skiing, OHV use, or hunting by the public is allowed under this section.

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

Approved:

________________________________ Governor.

________________________________ President of the Senate.

________________________________ Speaker of the House of Delegates.