

SENATE BILL 582

M2, M1

2lr2657

By: **Senator Bailey**

Introduced and read first time: February 2, 2022

Assigned to: Education, Health, and Environmental Affairs

Committee Report: Favorable with amendments

Senate action: Adopted with floor amendments

Read second time: March 7, 2022

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, with or
4 without charge, an individual to use the landowner's real property for hunting, the
5 invited or permitted individual impliedly consents to adhere to every law, observe
6 every safety precaution and practice, observe all property boundaries, take every
7 precaution against fire, and assume all responsibility and liability for the
8 individual's safety and property while hunting on the landowner's real property; and
9 generally relating to hunting on private land.

10 BY repealing and reenacting, with amendments,
11 Article – Natural Resources
12 Section ~~5–1106~~ and 5–1109
13 Annotated Code of Maryland
14 (2018 Replacement Volume and 2021 Supplement)

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

17 **Article – Natural Resources**

18 ~~5–1106.~~

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

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

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

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

9 5-1109.

10 (a) **(1)** If a landowner agrees to the **PUBLIC** use of a defined part of the
11 landowner's real property for the use of cross-country skiing, for the use of an OHV, or for
12 hunting, any person who uses the part of the real property impliedly consents to adhere to
13 every law, to observe every safety precaution and practice, to take every precaution against
14 fire, and to assume all responsibility and liability for the person's safety and property while
15 cross-country skiing, using an OHV, or hunting on the landowner's real property.

16 **(2) IF A LANDOWNER DIRECTLY INVITES OR PERMITS, WITH OR**
17 **WITHOUT CHARGE, AN INDIVIDUAL TO USE THE LANDOWNER'S REAL PROPERTY FOR**
18 **HUNTING, THE INVITED OR PERMITTED INDIVIDUAL WHO USES THE REAL PROPERTY**
19 **FOR HUNTING IMPLIEDLY CONSENTS TO ADHERE TO EVERY LAW, TO OBSERVE**
20 **EVERY SAFETY PRECAUTION AND PRACTICE, TO OBSERVE ALL PROPERTY**
21 **BOUNDARIES, TO TAKE EVERY PRECAUTION AGAINST FIRE, AND TO ASSUME ALL**
22 **RESPONSIBILITY AND LIABILITY FOR THE INDIVIDUAL'S SAFETY AND PROPERTY**
23 **WHILE HUNTING ON THE LANDOWNER'S REAL PROPERTY.**

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

27 (c) The Department shall adopt regulations to allow cross-country skiing, OHV
28 use, or hunting **BY THE PUBLIC** on those defined parts of a landowner's real property on
29 which cross-country skiing, OHV use, or hunting **BY THE PUBLIC** is allowed under this
30 section.

31 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
32 1, 2022.