

Hall of the House of Representatives
85th General Assembly - Regular Session, 2005
Amendment Form

Subtitle of Senate Bill No. 447

"AN ACT TO EXTEND IMMUNITY TO PROPERTY OWNERS WHO MAKE PROPERTY
AVAILABLE FOR MUNICIPAL WATER SUPPLY PURPOSES."

Amendment No. 3 to Senate Bill No. 447.

Amend Senate Bill No. 447 as engrossed, H3/9/05 (version: 03-09-2005 13:49):

Page 1, delete lines 25 through 27, and substitute the following:
"land and water areas available to ~~the public for recreational purposes~~
municipal governments for municipal water supply purposes by limiting their
liability toward persons entering thereon ~~for such purposes.~~"

AND

Page 1, delete lines 32 through 36, and substitute the following:
"~~(1) "Charge" means an admission fee for permission to go upon
or use the land, but does not include:~~
 ~~(A) The sharing of game, fish, or other products of
recreational use; or~~
 ~~(B) Contributions in kind, services, or cash paid to
reduce or offset costs and eliminate losses from recreational use;~~"

AND

Page 2, delete lines 1 and 2

AND

Page 2, line 3, delete "(2)" and substitute "~~(2)~~(1)"

AND

Page 2, line 6, delete "(3)" and substitute "(2)"

AND

Page 2, delete line 14, and substitute the following:
"or structure; and"



AND

Page 2, line 15, delete "~~(3)(4)~~" and substitute "(3)"

AND

Page 2, line 16, delete "premises; and" and substitute "premises; ."

AND

Page 2, delete lines 22 through 36, and substitute the following:

~~"(5) "Recreational purpose" includes, but is not limited to, any of the following, or any combination thereof:~~

~~(A) Hunting;~~

~~(B) Fishing;~~

~~(C) Swimming;~~

~~(D) Boating;~~

~~(E) Camping;~~

~~(F) Picnicking;~~

~~(G) Hiking;~~

~~(H) Pleasure driving;~~

~~(I) Nature study;~~

~~(J) Water skiing;~~

~~(K) Winter sports;~~

~~(L) Spelunking;~~

~~(M) Viewing or enjoying historical, archeological, scenic, or scientific sites; and~~

~~(N) Any other activity undertaken for exercise, education, relaxation, or pleasure on land owned by another."~~

AND

Page 3, delete lines 1 through 3

AND

Page 3, delete line 11, and substitute the following:

~~"recreational purposes~~ municipal water supply purposes from any obligation"

AND

Page 3, delete line 20, and substitute the following:

"by others ~~for recreational purposes~~ or to"

AND

Page 3, delete lines 22 and 23, and substitute the following:

"premises to persons entering ~~for recreational purposes~~ thereon."

AND

Page 3, delete lines 28 and 29, and substitute the following:

"owner of land who, either directly or indirectly, invites or permits ~~without charge~~ any person to use his or her property for ~~recreational purposes~~"

AND

Page 4, line 6, delete "state" and substitute "~~state~~ municipality"

AND

Page 4, delete lines 9 and 10, and substitute the following:

~~"of land leased to the state, or any subdivision thereof, for recreational purposes~~ or otherwise provided to a municipality for municipal water supply purposes."

AND

Page 4, delete lines 15 through 24, and substitute the following:

~~"exists. (1) For~~ for malicious, but not mere negligent, failure to guard or warn against an ultra-hazardous condition, structure, personal property, use, or activity actually known to the owner to be dangerous; ~~and.~~

~~(2) For injury suffered in any case in which the owner of land charges the person or persons who enter or go on the land for the recreational use thereof, except that, in the case of land leased to the state, a subdivision thereof, or to a third person, any consideration received by the owner for the lease shall not be deemed a charge within the meaning of this section."~~

The Amendment was read _____
By: Representative Sample
KLL/YTC - 03-28-2005 09:04
KLL334

Chief Clerk