

Stricken language would be deleted from and underlined language would be added to the law as it existed prior to this session of the General Assembly.

1 State of Arkansas
2 85th General Assembly
3 Regular Session, 2005

A Bill

SENATE BILL 447

4
5 By: Senator T. Smith
6 By: Representatives Mathis, Saunders

For An Act To Be Entitled

10 AN ACT TO EXTEND IMMUNITY TO PROPERTY OWNERS WHO
11 MAKE PROPERTY AVAILABLE FOR MUNICIPAL WATER
12 SUPPLY PURPOSES; AND FOR OTHER PURPOSES.

Subtitle

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

18
19
20 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

21
22 SECTION 1. Arkansas Code § 18-11-301 is amended to read as follows:
23 18-11-301. Purpose.

24 The purpose of this subchapter is to encourage owners of land to make
25 land and water areas available to the public for recreational purposes and
26 municipal water supply purposes by limiting their liability toward persons
27 entering thereon for such purposes.

28
29 SECTION 2. Arkansas Code § 18-11-302 is amended to read as follows:
30 18-11-302. Definitions.

31 As used in this subchapter:

32 (1) "Charge" means an admission fee for permission to go upon or
33 use the land, but does not include:

34 (A) The sharing of game, fish, or other products of
35 recreational use; or

36 (B) Contributions in kind, services, or cash paid to



1 reduce or offset costs and eliminate losses from recreational use or
2 municipal water supply use;

3 (2) "Land" means land, roads, water, watercourses, private ways
4 and buildings, structures, and machinery or equipment when attached to the
5 realty;

6 (3) "Municipal water supply purpose" includes, but is not
7 limited to, any of the following, separately or any combination:

8 (A) Construction or maintenance of a water intake
9 structure;

10 (B) Maintenance of a water intake source;

11 (C) Research concerning a water intake source or
12 structure; and

13 (D) Other activity associated with a water intake source
14 or structure;

15 ~~(3)~~(4) "Owner" means the possessor of a fee interest, a tenant,
16 lessee, occupant, or person in control of the premises; and

17 ~~(4)~~ "Public" and "person" ~~includes the Young Men's Christian~~
18 ~~Association (Y.M.C.A.), Young Women's Christian Association (Y.W.C.A.), Boy~~
19 ~~Scouts of America, Girl Scouts of the United States of America, Boys Clubs of~~
20 ~~America, Girls Clubs of America, churches, religious organizations, fraternal~~
21 ~~organizations, and other similar organizations; and~~

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

24 (A) Hunting;

25 (B) Fishing;

26 (C) Swimming;

27 (D) Boating;

28 (E) Camping;

29 (F) Picnicking;

30 (G) Hiking;

31 (H) Pleasure driving;

32 (I) Nature study;

33 (J) Water skiing;

34 (K) Winter sports;

35 (L) Spelunking;

36 (M) Viewing or enjoying historical, archeological, scenic,

1 or scientific sites; and

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

4

5 SECTION 3. Arkansas Code § 18-11-303 is amended to read as follows:

6 18-11-303. Construction.

7 Nothing in this subchapter shall be construed to:

8 (1) Create a duty of care or ground of liability for injury to
9 persons or property; or

10 (2) Relieve any person using the land of another for
11 recreational purposes or municipal water supply purposes from any obligation
12 which he or she may have in the absence of this subchapter to exercise care
13 in his or her use of the land and in his or her activities thereon or relieve
14 any person from the legal consequences of failure to employ such care.

15

16 SECTION 4. Arkansas Code § 18-11-304 is amended to read as follows:

17 18-11-304. Duty of care.

18 Except as specifically recognized by or provided in § 18-11-307, an
19 owner of land owes no duty of care to keep the premises safe for entry or use
20 by others for recreational purposes or municipal water supply purposes or to
21 give any warning of a dangerous condition, use, structure, or activity on the
22 premises to persons entering for recreational purposes or municipal water
23 supply purposes.

24

25 SECTION 5. Arkansas Code § 18-11-305 is amended to read as follows:

26 18-11-305. Owner's immunity from liability.

27 Except as specifically recognized by or provided in § 18-11-307, an
28 owner of land who, either directly or indirectly, invites or permits without
29 charge any person to use his or her property for recreational purposes or
30 municipal water supply purposes does not thereby:

31

(1) Extend any assurance that the lands or premises are safe for
32 any purpose;

33

(2) Confer upon the person the legal status of an invitee or
34 licensee to whom a duty of care is owed;

35

(3) Assume responsibility for or incur liability for any injury
36 to person or property caused by an act or omission of such persons; or

1 (4) Assume responsibility for or incur liability for injury to
2 the person or property caused by any natural or artificial condition,
3 structure, or personal property on the land.

4
5 SECTION 6. Arkansas Code § 18-11-306 is amended to read as follows:
6 18-11-306. Land leased to state.

7 Unless otherwise agreed in writing, the provisions of §§ 18-11-304 and
8 18-11-305 shall be deemed applicable to the duties and liability of an owner
9 of land leased to the state, or any subdivision thereof, for recreational
10 purposes or municipal water supply purposes.

11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28
29
30
31
32
33
34
35
36