

STATE OF NEW YORK

5934

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

Introduced by Sen. HARCKHAM -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to the use of certain premises and the responsibility for acts of such users on the premises or on adjacent premises

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

- 1 Section 1. Paragraphs a and b of subdivision 1 of section 9-103 of the
2 general obligations law, as amended by chapter 408 of the laws of 1979,
3 paragraph a as separately amended by chapters 141 and 286 of the laws of
4 1984, are amended and a new paragraph d is added to read as follows:
5 a. an owner, lessee or occupant of premises, whether or not posted as
6 provided in section 11-2111 of the environmental conservation law, owes
7 no duty to keep the premises safe for entry or use by others for hunt-
8 ing, fishing, organized gleanng as defined in section seventy-one-y of
9 the agriculture and markets law, canoeing, boating, trapping, hiking,
10 cross-country skiing, tobogganing, sledding, speleological activities,
11 horseback riding, bicycle riding, hang gliding, motorized vehicle opera-
12 tion for recreational purposes, snowmobile operation, cutting or gather-
13 ing of wood for non-commercial purposes, recreational trail use or
14 training of dogs, or to give warning of any hazardous condition or use
15 of or structure or activity on such premises to persons entering for
16 such purposes[~~+~~].
17 b. an owner, lessee or occupant of premises who gives permission to
18 another to pursue any such activities upon such premises does not there-
19 by (1) extend any assurance that the premises are safe for such purpose,
20 or (2) constitute the person to whom permission is granted an invitee to
21 whom a duty of care is owed, or (3) assume responsibility for or incur
22 liability for any injury to person or property or for the death of any
23 person caused by any act of persons to whom the permission is granted.

EXPLANATION--Matter in italics (underscored) is new; matter in brackets
[~~-~~] is old law to be omitted.

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1 d. an owner, lessee or occupant of premises adjoining premises being
2 used as permitted pursuant to paragraph b of this subdivision for recre-
3 ational trail use or any other activity stated in paragraph a of this
4 subdivision shall not be liable to any actions of any type resulting
5 from, or caused by, persons engaging in such activities trespassing on
6 such adjacent premises, and no owner, lessee or occupant of premises
7 adjoining premises being used as permitted pursuant to paragraph b of
8 this subdivision shall be liable for any actions of any type started on,
9 or taking place within, the boundaries of the premises being used pursu-
10 ant to paragraph b of this subdivision arising out of the activities of
11 other parties.

12 § 2. This act shall take effect immediately.