

S. 1030

A. 2958

2009-2010 Regular Sessions

S E N A T E - A S S E M B L Y

January 22, 2009

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

IN ASSEMBLY -- Introduced by M. of A. O'MARA -- read once and referred to the Committee on Judiciary

AN ACT to amend the general obligations law, in relation to the duty to keep premises safe for certain uses

THE PEOPLE OF THE STATE OF NEW YORK, REPRESENTED IN SENATE AND ASSEMBLY, DO ENACT AS FOLLOWS:

1 Section 1. Paragraph a of subdivision 1 of section 9-103 of the gener-
2 al obligations law, as separately amended by chapters 141 and 286 of the
3 laws of 1984, is amended to read as follows:
4 a. an owner, lessee or occupant of premises, whether or not posted as
5 provided in section 11-2111 of the environmental conservation law, owes
6 no duty to keep the premises safe for entry or use by others for hunt-
7 ing, fishing, organized gleaning as defined in section seventy-one-y of
8 the agriculture and markets law, canoeing, boating, trapping, hiking,
9 cross-country skiing, tobogganing, sledding, speleological activities,
10 horseback riding, bicycle riding, hang gliding, motorized vehicle opera-
11 tion for recreational purposes, snowmobile operation, cutting or gather-
12 ing of wood for non-commercial purposes [or] , training of dogs OR OTHER
13 RECREATIONAL ACTIVITIES, or to give warning of any hazardous condition
14 or use of or structure or activity on such premises to persons entering
15 for such purposes;
16 S 2. Paragraphs b and c of subdivision 2 of section 9-103 of the
17 general obligations law, as amended by chapter 408 of the laws of 1979,
18 are amended to read as follows:
19 b. for injury suffered in any case where permission to pursue any of
20 the activities [enumerated] DESCRIBED in this section was granted for a
21 consideration other than the consideration, if any, paid to said land-
22 owner by the state or federal government, or permission to train dogs

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

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1 was granted for a consideration other than that provided for in section
2 11-0925 of the environmental conservation law; or
3 c. for injury caused, by acts of persons to whom permission to pursue
4 any of the activities [enumerated] DESCRIBED in this section was grant-
5 ed, to other persons as to whom the person granting permission, or the
6 owner, lessee or occupant of the premises, owed a duty to keep the prem-
7 ises safe or to warn of danger.
8 S 3. This act shall take effect immediately.