

837

2009-2010 Regular Sessions

I N   S E N A T E

January 18, 2009

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Introduced by Sen. MARCELLINO -- 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 liability  
of landowners who permit recreational 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 and a new subdivision 4 is added to read as  
4     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: (1) to keep the premises safe for entry, *PASSAGE OVER PREMISES*  
8     or use by others for hunting, fishing, organized gleaning as defined in  
9     section seventy-one-y of the agriculture and markets law, canoeing,  
10    boating, trapping, hiking, cross-country skiing, tobogganing, sledding,  
11    speleological activities, horseback riding, bicycle riding, hang glid-  
12    ing, motorized vehicle operation for recreational purposes, snowmobile  
13    operation, cutting or gathering of wood for non-commercial purposes  
14    [or], training of dogs, *AND ANY OTHER RECREATIONAL USE*; or (2) to give  
15    warning of any hazardous condition or use of or structure or activity on  
16    such premises to persons entering for such purposes;  
17    4. FOR THE PURPOSES OF THIS SECTION THE TERM OCCUPANT SHALL INCLUDE,  
18    BUT NOT BE LIMITED TO, THOSE ORGANIZATIONS, ENTITIES, OR PERSONS WHO  
19    INDIVIDUALLY OR COLLECTIVELY DEVELOP AND/OR MAINTAIN TRAILS AND OTHER  
20    RECREATIONAL FACILITIES FOR USE BY THE PUBLIC.  
21    S 2. This act shall take effect immediately.

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

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