

2009-2010 Regular Sessions

I N S E N A T E

January 21, 2009

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 landowner liability

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: (1) to keep the premises safe for entry, *PASSAGE OVER PREMISES*
7 or use by others for hunting, fishing, organized gleaning as defined in
8 section seventy-one-y of the agriculture and markets law, canoeing,
9 boating, trapping, hiking, cross-country skiing, tobogganing, sledding,
10 speleological activities, horseback riding, bicycle riding, hang glid-
11 ing, motorized vehicle operation for recreational purposes, snowmobile
12 operation, cutting or gathering of wood for non-commercial purposes
13 [or], training of dogs, *AND ANY OTHER RECREATIONAL USE*; or (2) to give
14 warning of any hazardous condition or use of or structure or activity on
15 such premises to persons entering for such purposes;

16 S 2. Subdivision 3 of section 9-103 of the general obligations law is
17 renumbered subdivision 4 and a new subdivision 3 is added to read as
18 follows:

19 3. FOR THE PURPOSES OF THIS SECTION THE TERM OCCUPANT SHALL INCLUDE,
20 BUT NOT BE LIMITED TO, THOSE ORGANIZATIONS, ENTITIES, OR PERSONS WHO
21 INDIVIDUALLY OR COLLECTIVELY DEVELOP AND/OR MAINTAIN TRAILS AND OTHER
22 RECREATIONAL FACILITIES FOR USE BY THE PUBLIC.

23 S 3. 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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