S T A T E  O F  N E W  Y O R K

856

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:

Section 1. Paragraph a of subdivision 1 of section 9-103 of the general obligations law, as separately amended by chapters 141 and 286 of the laws of 1984, is amended to read as follows:

a. an owner, lessee or occupant of premises, whether or not posted as provided in section 11-2111 of the environmental conservation law, owes no duty: (1) to keep the premises safe for entry, PASSAGE OVER PREMISES or use by others for hunting, fishing, organized gleaning as defined in section seventy-one-y of the agriculture and markets law, canoeing, boating, trapping, hiking, cross-country skiing, tobogganing, sledding, speleological activities, horseback riding, bicycle riding, hang gliding, motorized vehicle operation for recreational purposes, snowmobile operation, cutting or gathering of wood for non-commercial purposes [or], training of dogs, AND ANY OTHER RECREATIONAL USE; or (2) to give warning of any hazardous condition or use of or structure or activity on such premises to persons entering for such purposes;

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

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

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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