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

S. 4645 A. 7153

2011-2012 Regular Sessions

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

April 14, 2011

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

IN ASSEMBLY -- Introduced by M. of A. FRIEND -- 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:

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 to keep the premises safe for entry 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 OR OTHER RECREATIONAL ACTIVITIES, or 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. Paragraphs b and c of subdivision 2 of section 9-103 of the general obligations law, as amended by chapter 408 of the laws of 1979, are amended to read as follows:

b. for injury suffered in any case where permission to pursue any of the activities [enumerated] DESCRIBED in this section was granted for a consideration other than the consideration, if any, paid to said landowner 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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was granted for a consideration other than that provided for in section 11-0925 of the environmental conservation law; or

c. for injury caused, by acts of persons to whom permission to pursue any of the activities [enumerated] DESCRIBED in this section was granted, to other persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

S 3. This act shall take effect immediately.