



1 (4) THE UTILITY TO THE POSSESSOR OF MAINTAINING THE CONDITION AND THE  
2 BURDEN OF ELIMINATING THE DANGER WERE SLIGHT AS COMPARED WITH THE RISK  
3 TO THE CHILD INVOLVED; AND

4 (5) THE POSSESSOR FAILED TO EXERCISE REASONABLE CARE TO ELIMINATE THE  
5 DANGER OR OTHERWISE PROTECT THE INJURED CHILD;

6 (B) THE POSSESSOR KNEW OR SHOULD HAVE KNOWN THAT TRESPASSERS CONSTANT-  
7 LY INTRUDED UPON THE LIMITED AREA OF THE POSSESSOR'S LAND WHERE THE  
8 TRESPASSER WAS HARMED, THE HARM RESULTED FROM AN ARTIFICIAL CONDITION ON  
9 THE LAND, AND:

10 (1) THE POSSESSOR CREATED OR MAINTAINED THE CONDITION THAT CAUSED THE  
11 INJURY;

12 (2) THE POSSESSOR KNEW THAT THE CONDITION WAS LIKELY TO CAUSE DEATH OR  
13 SERIOUS BODILY HARM TO TRESPASSERS;

14 (3) THE POSSESSOR KNEW OR SHOULD HAVE KNOWN THAT THE CONDITION WAS OF  
15 SUCH A NATURE THAT TRESPASSERS WOULD NOT DISCOVER IT; AND

16 (4) THE POSSESSOR FAILED TO EXERCISE ORDINARY CARE TO WARN TRESPASSERS  
17 OF THE CONDITION AND THE RISK INVOLVED; OR

18 (C) THE POSSESSOR KNEW OF THE TRESPASSER'S PRESENCE AND:

19 (1) FAILED TO CARRY ON A DANGEROUS ACTIVITY ON THE LAND WITH REASON-  
20 ABLE CARE FOR THE TRESPASSER'S SAFETY;

21 (2) FAILED TO EXERCISE REASONABLE CARE TO WARN THE TRESPASSER ABOUT AN  
22 ARTIFICIAL CONDITION MAINTAINED BY THE POSSESSOR THAT INVOLVED A RISK OF  
23 DEATH OR SERIOUS BODILY INJURY AND WAS OF SUCH A NATURE THAT THE POSSES-  
24 SOR HAD REASON TO BELIEVE THE TRESPASSER WOULD NOT DISCOVER THE CONDI-  
25 TION OR REALIZE THE RISK INVOLVED; OR

26 (3) (I) KNEW OR HAD REASON TO KNOW THAT THE TRESPASSER WAS IN DANGER-  
27 OUS PROXIMITY TO A MOVING FORCE IN THE POSSESSOR'S IMMEDIATE CONTROL  
28 JUST BEFORE THE HARM OCCURRED; AND

29 (II) THE TRESPASSER WAS HARMED AS A RESULT OF THE POSSESSOR'S FAILURE  
30 TO EXERCISE REASONABLE CARE SO AS TO PREVENT THE FORCE FROM HARMING THE  
31 TRESPASSER OR FAILED TO EXERCISE REASONABLE CARE TO PROVIDE A WARNING  
32 THAT WAS REASONABLY ADEQUATE TO ALLOW THE TRESPASSER TO AVOID THE HARM.

33 3. FOR THE PURPOSES OF THIS SECTION: (A) "TRESPASSER" MEANS A PERSON  
34 WHO ENTERS ON THE PROPERTY OF ANOTHER WITHOUT PERMISSION AND WITHOUT AN  
35 INVITATION, EXPRESS OR IMPLIED; AND (B) "CHILD" MEANS A PERSON UNDER THE  
36 AGE OF EIGHTEEN YEARS.

37 4. THIS SECTION DOES NOT CREATE OR INCREASE THE LIABILITY OF ANY  
38 PERSON OR ENTITY.

39 S 2. This act shall take effect immediately.