

STATE OF NEW YORK

5171

2017-2018 Regular Sessions

IN ASSEMBLY

February 6, 2017

Introduced by M. of A. FRIEND, CROUCH, MONTESANO, GRAF, GIGLIO, LUPINACCI -- Multi-Sponsored by -- M. of A. LOPEZ, McDONOUGH, McLAUGHLIN -- 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:

1 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:

2 a. an owner, lessee or occupant of premises, whether or not posted as
3 provided in section 11-2111 of the environmental conservation law, owes
4 no duty to keep the premises safe for entry or use by others for hunt-
5 ing, fishing, organized gleanings as defined in section seventy-one-y of
6 the agriculture and markets law, canoeing, boating, trapping, hiking,
7 cross-country skiing, tobogganing, sledding, speleological activities,
8 horseback riding, bicycle riding, hang gliding, motorized vehicle opera-
9 tion for recreational purposes, snowmobile operation, cutting or gather-
10 ing of wood for non-commercial purposes [~~or~~], training of dogs or other
11 recreational activities, or to give warning of any hazardous condition
12 or use of or structure or activity on such premises to persons entering
13 for such purposes;

14 § 2. Paragraphs b and c of subdivision 2 of section 9-103 of the
15 general obligations law, as amended by chapter 408 of the laws of 1979,
16 are amended to read as follows:

17 b. for injury suffered in any case where permission to pursue any of
18 the activities [~~enumerated~~] described in this section was granted for a
19 consideration other than the consideration, if any, paid to said land-
20 owner by the state or federal government, or permission to train dogs
21 was granted for a consideration other than that provided for in section
22 11-0925 of the environmental conservation law; or
23
24

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

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1 c. for injury caused, by acts of persons to whom permission to pursue
2 any of the activities [~~enumerated~~ described in this section was grant-
3 ed, to other persons as to whom the person granting permission, or the
4 owner, lessee or occupant of the premises, owed a duty to keep the prem-
5 ises safe or to warn of danger.
6 § 3. This act shall take effect immediately.