STATE OF NEW YORK

5934--A

2019-2020 Regular Sessions

IN SENATE

May 16, 2019

Introduced by Sens. HARCKHAM, O'MARA -- read twice and ordered printed, and when printed to be committed to the Committee on Judiciary -- recommitted to the Committee on Judiciary in accordance with Senate Rule 6, sec. 8 -- committee discharged, bill amended, ordered reprinted as amended and recommitted to said committee

AN ACT to amend the general obligations law and the soil and water conservation districts law, in relation to the use of certain premises and the responsibility for acts of such users on the premises or on adjacent premises

The People of the State of New York, represented in Senate and Assembly, do enact as follows:

Section 1. Paragraphs a and b of subdivision 1 of section 9-103 of the general obligations law, paragraph a as separately amended by chapters 141 and 286 of the laws of 1984 and paragraph b as amended by chapter 408 of the laws of 1979, are amended and a new paragraph d is added 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**, recreational trail use** or training of dogs, or to give warning of any hazardous condition or use of or structure or activity on such premises to persons entering for such purposes[~~,~~]**.**

b. an owner, lessee or occupant of premises who gives permission to another to pursue any such activities upon such premises does not thereby (1) extend any assurance that the premises are safe for such purpose,

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

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or (2) constitute the person to whom permission is granted an invitee to whom a duty of care is owed, or (3) assume responsibility for or incur liability for any injury to person or property **or for the death of any person** caused by any act of persons to whom the permission is granted.

d. an owner, lessee or occupant of premises adjoining premises being used as permitted pursuant to paragraph b of this subdivision for recreational trail use or any other activity stated in paragraph a of this subdivision shall not be liable to any actions of any type resulting from, or caused by, persons engaging in such activities trespassing on such adjacent premises, and no owner, lessee or occupant of premises adjoining premises being used as permitted pursuant to paragraph b of this subdivision shall be liable for any actions of any type started on, or taking place within, the boundaries of the premises being used pursuant to paragraph b of this subdivision arising out of the activities of other parties.

§ 2. Subdivision 18 of section 3 of the soil and water conservation districts law, as added by chapter 362 of the laws of 1996, is amended to read as follows:

(18) "Recreational use" means any activity undertaken out of doors for purposes of mental or physical enjoyment and relaxation and may include, but shall not be limited to, hunting, fishing, 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**, recreational trail use** and training of dogs.

§ 3. This act shall take effect immediately.