A BILL

FOR AN ACT ENTITLED

"An Act relating to landowners' immunity for allowing use of land without charge for a recreational activity; relating to landowners' liability where landowner conduct involves gross negligence or reckless or intentional misconduct; relating to claims of adverse possession and prescriptive easements, or similar claims; and providing for an effective date."

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF ALASKA:

* Section 1. AS 09.65 is amended by adding a new section to read:

Sec. 09.65.202. Tort immunity for landowners' allowing recreational activity; adverse possession. (a) A landowner that directly or indirectly allows a recreational activity on the landowner's land without charge does not, by allowing that activity,

(1) owe a duty of care to maintain the land safe for entry or use for a recreational activity or to eliminate, alter, or control the inherent risks of a recreational
activity;

(2) owe a duty to warn persons using the land for a recreational activity of any dangerous condition, known or unknown, apparent or hidden;

(3) owe a duty to curtail or prevent use of the land for recreational activities;

(4) implicitly ensure that the land is safe for any purpose;

(5) confer a legal status, such as invitee or licensee, to which a special duty of care is owed; or

(6) assume responsibility for any injury to persons or property.

(b) This section does not apply to a civil action

(1) if the landowner collects a charge for entry on the land for a recreational activity; or

(2) based on intentional, reckless, or grossly negligent conduct of the landowner.

(c) This section may not be construed to conflict with, nor does it have any effect on, a liability release agreement between a participant in a recreational activity and a landowner.

(d) Except as provided for under AS 09.45.052(d), land use allowed by a landowner for a recreational activity without charge may not form the basis of a claim for adverse possession, prescriptive easement, or a similar claim.

(e) In this section,

(1) "charge" means a fee or admission price imposed for access to or use of land, a recreational activity, a service, an entertainment, or another activity, except that the following is not considered a "charge":

(A) consideration received by the landowner from the state or political subdivision for land leased or dedicated to the state or political subdivision;

(B) property tax relief in exchange for a landowner's agreement to open land for a recreational activity;

(C) a contribution in kind, service, or cash from a user if all of the contribution is used to improve access or trails, to remedy or reduce
damage, to provide warning of a hazard, or to remove a hazard from the land;

(2) "land" includes private
(A) improved or unimproved land;
(B) ways or land subject to an easement or right-of-way;
(C) roads and trails;
(D) water and watercourses on or running through the land;
(E) buildings, structures, other improvements, machinery, and equipment on the land;

(3) "landowner" means
(A) a private owner or holder of the possessory or controlling interest in land, including a fee simple interest or life estate;
(B) a private lessee;
(C) the private holder of an easement; or
(D) another private person in control of the land;

(4) "recreational activity" has the meaning given in AS 09.65.290.

* Sec. 2. This Act takes effect immediately under AS 01.10.070(c).