

Introduced: 2/2/65
Referred: Resources
and Judiciary

1 IN THE SENATE

RULES COMMITTEE
BY REQUEST OF THE GOVERNOR

2 SENATE BILL NO. 69

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 FOURTH LEGISLATURE - FIRST SESSION

5 A BILL

6 For an Act entitled: "An Act to encourage land owners to make
7 available to the public, land and water areas
8 and other property for recreation purposes by
9 limiting their liability toward users; and
10 providing for an effective date."

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

12 * Section 1. AS 41 is amended by adding a new chapter to read:

13 N CHAPTER 30. USE OF PRIVATE

14 E LAND BY PUBLIC FOR RECREATION

15 W Sec. 41.30.010. PURPOSE. The purpose of this Act is to
16 encourage owners of land to make available to the public, land
17 and water areas for recreational purposes, by limiting their
18 liability toward persons entering thereon and toward persons
19 who may be injured or otherwise damaged by the acts or omis-
20 sions of persons entering thereon.

21 Sec. 41.30.020. DUTY OF CARE NOT REQUIRED. Subject to
22 the provisions of section 050 of this chapter an owner of
23 land owes no duty of care to keep the premises safe for entry
24 M or use by others for recreational purposes, or to give any
25 A warning of a dangerous condition, use, structure, or activity
26 T on such premises to persons entering for such purposes.

27 T Sec. 41.30.030. RIGHTS OF USER LIMITED. Subject to the
28 E provisions of section 050 of this chapter, an owner of land
29 R who either directly or indirectly invites or permits without

1 N charge any person to use such property for recreational pur-
2 E poses does not thereby:

3 W (1) extend any assurance that the premises are safe
4 for any purpose, or;

5 (2) confer upon such persons the legal status of
6 an invitee or licensee to whom a duty of care is owed, or;

7 (3) assume responsibility for or incur liability
8 for any injury to person or property caused by an act or
9 omission of such persons.

10 Sec. 41.30.040. LEASE OF PRIVATE LANDS TO STATE. (a)
11 Unless otherwise agreed in writing, an owner of land leased
12 to the state for recreational purposes owes no duty of care
13 to keep that land safe for entry or use by others or to give
14 warning to persons entering or going upon such land of any
15 hazardous conditions, uses, structures or activities thereon.
16 An owner who leases land to the state for recreational pur-
17 poses shall not by giving such lease:

18 (1) extend any assurance to any person using the
19 land that the premises are safe for any purpose, or;

20 (2) confer upon such persons the legal status of an
21 invitee or licensee to whom a duty of care is owed, or;

22 (3) assume responsibility for or incur liability
23 for any injury to person or property caused by an act or
24 omission of a person who enters upon the leased land.

25 M (b) The provisions of this section apply whether the
26 A person entering upon the leased land is an invitee, licensee,
27 T trespasser or otherwise.

28 E Sec. 41.30.050. LIABILITY OF OWNER. Nothing herein
29 R limits in any way any liability which otherwise exists:

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(1) for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity, or;

(2) for injury suffered in any case where the owner of land charges the person or persons who enter or go on the land other than the amount, if any, paid to the owner of the land by the state.

Sec. 41.30.060. OBLIGATION OF USER OF PROPERTY. Nothing herein limits in any way the obligation of a person entering upon or using the land of another for recreational purposes to exercise due care in his use of such land and in his activities thereon.

Sec. 41.30.070. DEFINITIONS. For purposes of this act;

(1) "land" includes roads, water, water course, private ways and buildings, structures and machinery or equipment thereon when attached to the realty;

(2) "owner" includes tenant, lessee, occupant or person in control of the premises;

(3) "recreational purposes" shall include, but not be limited to, any one or any combination of the following: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, winter sports and visiting, viewing or enjoying historical, archaeological, scenic or scientific sites, or otherwise using land for purposes of the user;

(4) "charge" shall mean the amount of money asked in return for an invitation to enter or go upon the land.

* Sec. 2. This Act takes effect on the day after its passage and approval or on the day it becomes law without such approval.