

Offered: 2/18/65  
Referred: Judiciary

Original Sponsor: Rules Committee by request  
of the Governor

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IN THE SENATE

BY THE RESOURCES COMMITTEE

CS FOR SENATE BILL NO. 69

IN THE LEGISLATURE OF THE STATE OF ALASKA

FOURTH LEGISLATURE - FIRST SESSION

A BILL

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

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

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

CHAPTER 35. USE OF PRIVATE

LAND BY PUBLIC FOR RECREATION

Sec. 41.35.010. PURPOSE. The purpose of this Act is to encourage owners of land to make available to the public, land and water areas for recreational purposes, by limiting their liability toward persons entering thereon and toward persons who may be injured or otherwise damaged by the acts or omissions of persons entering thereon.

Sec. 41.35.020. DUTY OF CARE NOT REQUIRED. Subject to the provisions of section 050 of this chapter an owner of land owes no duty of care to keep the premises safe for entry or use by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes.

Sec. 41.35.020. RIGHTS OF USER LIMITED. Subject to the provisions of section 050 of this chapter, an owner of land who either directly or indirectly invites or permits

CSSB 69

1 without charge any person to use such property for recrea-  
2 tional purposes does not thereby:

3 (1) extend any assurance that the premises are  
4 safe 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. 41.35.040. 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 there-  
16 on. An owner who leases land to the state for recreational  
17 purposes 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  
21 an 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 lease land.

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

28 Sec. 41.35.050. LIABILITY OF OWNER. Nothing herein  
29 limits in any way any liability which otherwise exists:

CSSB 69

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

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

8 Sec. 41.35.060. OBLIGATION OF USER OF PROPERTY. Nothing  
9 herein limits in any way the obligation of a person entering  
10 upon or using the land of another for recreational purposes  
11 to exercise due care in his use of such land and in his  
12 activities thereon.

13 Sec. 41.35.070. DEFINITIONS. For purposes of this act:

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

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

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

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

28 \* Sec. 2. This Act takes effect on the day after its passage  
29 and approval or on the day it becomes law without such approval.  
CSSB 69