

BY REP. MENARD

1 IN THE HOUSE

2 HOUSE BILL NO. 494

3 IN THE LEGISLATURE OF THE STATE OF ALASKA

4 SIXTEENTH LEGISLATURE - SECOND SESSION

5 A BILL

6 For an Act entitled: "An Act relating to civil liability for injuries
7 resulting from recreational use of land."

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

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

10 Sec. 09.65.145. CIVIL LIABILITY FOR INJURIES RESULTING FROM
11 RECREATIONAL USE OF LAND. (a) Except as provided in (b) of this
12 section, a person who suffers injuries during outdoor recreation may
13 not recover civil damages from the landowner.

14 (b) This section does not affect a civil action for damages
15 resulting from

16 (1) intentional misconduct of the landowner or agents or
17 employees of the landowner;

18 (2) a latent artificial condition that is known to the
19 landowner, and for which warning signs have not been posted;

20 (3) outdoor recreation for which the landowner has charged
21 a fee.

22 (c) This section does not limit or expand the doctrine of at-
23 tractive nuisance.

24 (d) In this section,

25 (1) "landowner" means a public or private owner, or other
26 person in lawful possession and control of the land on which the
27 injury occurs;

28 (2) "outdoor recreation" means hunting; fishing; camping;
29 picnicking; swimming; hiking; climbing; rifle or pistol shooting;

1 cycling; clam digging; cutting, gathering, and removing firewood, if
2 for personal use; equine activities; boating; nature study; winter or
3 water sports; and historical, archaeological, scenic, or scientific
4 activities.