



January 29, 2018

HOUSE BILL No. 1115

DIGEST OF HB 1115 (Updated January 29, 2018 11:37 am - DI 123)

Citations Affected: IC 14-22; IC 34-30.

Synopsis: Landowner immunity for trail access. Specifies that with respect to the statute that restricts a landowner's liability for an injury to a person or property caused by an act or failure to act of another person using the landowner's premises for certain recreational purposes, those purposes include another person going on or through the premises for the purpose of accessing a trail, a greenway, a park, or another similar area used for recreational purposes. Makes a technical change to include in the statute that lists Indiana Code provisions that: (1) are outside the Indiana Code title concerning civil law and procedure; and (2) confer immunity; the statute that provides immunity to owners of land used by persons for hunting, fishing, or trapping.

Effective: July 1, 2018.

Hamilton, Culver, Torr

January 4, 2018, read first time and referred to Committee on Judiciary.
January 29, 2018, amended, reported — Do Pass.

HB 1115—LS 6499/DI 101



January 29, 2018

Second Regular Session of the 120th General Assembly (2018)

PRINTING CODE. Amendments: Whenever an existing statute (or a section of the Indiana Constitution) is being amended, the text of the existing provision will appear in this style type, additions will appear in **this style type**, and deletions will appear in ~~this style type~~.

Additions: Whenever a new statutory provision is being enacted (or a new constitutional provision adopted), the text of the new provision will appear in **this style type**. Also, the word **NEW** will appear in that style type in the introductory clause of each SECTION that adds a new provision to the Indiana Code or the Indiana Constitution.

Conflict reconciliation: Text in a statute in *this style type* or ~~this style type~~ reconciles conflicts between statutes enacted by the 2017 Regular Session of the General Assembly.

HOUSE BILL No. 1115

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

- 1 SECTION 1. IC 14-22-10-2 IS AMENDED TO READ AS
2 FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) As used in this
3 section and section 2.5 of this chapter, "governmental entity" means
4 any of the following:
5 (1) The government of the United States of America.
6 (2) The state. ~~of Indiana.~~
7 (3) A county.
8 (4) A city.
9 (5) A town.
10 (6) A township.
11 (7) The following, if created by the Constitution of the United
12 States, the Constitution of the State of Indiana, a statute, a
13 ordinance, a rule, or an order:
14 (A) An agency.
15 (B) A board.
16 (C) A commission.
17 (D) A committee.

HB 1115—LS 6499/DI 101



- 1 (E) A council.
 2 (F) A department.
 3 (G) A district.
 4 (H) A public body corporate and politic.
- 5 (b) As used in this section and section 2.5 of this chapter, "monetary
 6 consideration" means a fee or other charge for permission to go upon
 7 a tract of land. The term does not include:
 8 (1) the gratuitous sharing of game, fish, or other products of the
 9 recreational use of the land;
 10 (2) services rendered for the purpose of wildlife management; or
 11 (3) contributions in kind made for the purpose of wildlife
 12 management.
- 13 (c) As used in this section and section 2.5 of this chapter, "owner"
 14 means a governmental entity or another person that:
 15 (1) has a fee interest in;
 16 (2) is a tenant, a lessee, or an occupant of; or
 17 (3) is in control of;
 18 a tract of land.
- 19 (d) A person who goes upon or through the premises, including
 20 caves, of another:
 21 (1) with or without permission; and
 22 (2) either:
 23 (A) without the payment of monetary consideration; or
 24 (B) with the payment of monetary consideration directly or
 25 indirectly on the person's behalf by an agency of the state or
 26 federal government;
 27 for the purpose of swimming, camping, hiking, sightseeing, **or**
 28 **accessing a trail, a greenway, or another similar area**, or for any
 29 other purpose (other than the purposes described in section 2.5 of this
 30 chapter) does not have an assurance that the premises are safe for the
 31 purpose.
- 32 (e) The owner of the premises does not:
 33 (1) assume responsibility; or
 34 (2) incur liability;
 35 for an injury to a person or property caused by an act or failure to act
 36 of other persons using the premises.
- 37 (f) This section does not affect the following:
 38 (1) Existing Indiana case law on the liability of owners or
 39 possessors of premises with respect to the following:
 40 (A) Business invitees in commercial establishments.
 41 (B) Invited guests.
 42 (2) The attractive nuisance doctrine.



1 (g) This section does not excuse the owner or occupant of premises
2 from liability for injury to a person or property caused by a malicious
3 or an illegal act of the owner or occupant.

4 SECTION 2. IC 34-30-2-56.1 IS ADDED TO THE INDIANA
5 CODE AS A NEW SECTION TO READ AS FOLLOWS
6 [EFFECTIVE JULY 1, 2018]: **Sec. 56.1. IC 14-22-10-2.5 (Concerning**
7 **owners of premises used by persons for hunting, fishing, or**
8 **trapping).**



COMMITTEE REPORT

Mr. Speaker: Your Committee on Judiciary, to which was referred House Bill 1115, has had the same under consideration and begs leave to report the same back to the House with the recommendation that said bill be amended as follows:

Page 1, delete lines 1 through 17, begin a new paragraph and insert:

"SECTION 1. IC 14-22-10-2 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2018]: Sec. 2. (a) As used in this section and section 2.5 of this chapter, "governmental entity" means any of the following:

- (1) The government of the United States of America.
- (2) The state. ~~of Indiana.~~
- (3) A county.
- (4) A city.
- (5) A town.
- (6) A township.
- (7) The following, if created by the Constitution of the United States, the Constitution of the State of Indiana, a statute, an ordinance, a rule, or an order:
 - (A) An agency.
 - (B) A board.
 - (C) A commission.
 - (D) A committee.
 - (E) A council.
 - (F) A department.
 - (G) A district.
 - (H) A public body corporate and politic.

(b) As used in this section and section 2.5 of this chapter, "monetary consideration" means a fee or other charge for permission to go upon a tract of land. The term does not include:

- (1) the gratuitous sharing of game, fish, or other products of the recreational use of the land;
- (2) services rendered for the purpose of wildlife management; or
- (3) contributions in kind made for the purpose of wildlife management.

(c) As used in this section and section 2.5 of this chapter, "owner" means a governmental entity or another person that:

- (1) has a fee interest in;
- (2) is a tenant, a lessee, or an occupant of; or
- (3) is in control of;

a tract of land.

HB 1115—LS 6499/DI 101



(d) A person who goes upon or through the premises, including caves, of another:

(1) with or without permission; and

(2) either:

(A) without the payment of monetary consideration; or

(B) with the payment of monetary consideration directly or indirectly on the person's behalf by an agency of the state or federal government;

for the purpose of swimming, camping, hiking, sightseeing, **or accessing a trail, a greenway, or another similar area**, or for any other purpose (other than the purposes described in section 2.5 of this chapter) does not have an assurance that the premises are safe for the purpose.

(e) The owner of the premises does not:

(1) assume responsibility; or

(2) incur liability;

for an injury to a person or property caused by an act or failure to act of other persons using the premises.

(f) This section does not affect the following:

(1) Existing Indiana case law on the liability of owners or possessors of premises with respect to the following:

(A) Business invitees in commercial establishments.

(B) Invited guests.

(2) The attractive nuisance doctrine.

(g) This section does not excuse the owner or occupant of premises from liability for injury to a person or property caused by a malicious or an illegal act of the owner or occupant."

Delete page 2.

Page 3, delete lines 1 through 4.

and when so amended that said bill do pass.

(Reference is to HB 1115 as introduced.)

STEUERWALD

Committee Vote: yeas 9, nays 0.

