

First Regular Session
Seventy-fourth General Assembly
STATE OF COLORADO

INTRODUCED

LLS NO. 23-0278.01 Richard Sweetman x4333

SENATE BILL 23-103

SENATE SPONSORSHIP

Baisley, Rich

HOUSE SPONSORSHIP

Lynch, Taggart, Weinberg

Senate Committees
Judiciary

House Committees

A BILL FOR AN ACT

101 CONCERNING THE LIABILITY OF OWNERS OF PRIVATE LAND FOR
102 DAMAGES THAT ARE INCURRED BY PERSONS WHO ACCESS THE
103 PRIVATE LAND FOR RECREATIONAL PURPOSES.

Bill Summary

(Note: This summary applies to this bill as introduced and does not reflect any amendments that may be subsequently adopted. If this bill passes third reading in the house of introduction, a bill summary that applies to the reengrossed version of this bill will be available at <http://leg.colorado.gov>.)

The bill amends the Colorado recreational use statute (CRUS).
Section 1 of the bill amends the stated purposes of the CRUS.
Section 2 amends definitions of terms and adds a definition of the term "inherent dangers or risks".
Section 3 changes the conditions under which the CRUS limits a

Shading denotes HOUSE amendment. Double underlining denotes SENATE amendment.
Capital letters or bold & italic numbers indicate new material to be added to existing law.
Dashes through the words or numbers indicate deletions from existing law.

landowner's (owner's) liability for damages that occur as a result of other persons' use of the owner's land for recreational purposes. **Section 3** also repeals limitations on the total amount of damages that may be recovered from a private landowner that leases land to a public entity for recreational purposes or that grants an easement or other right to use land to a public entity for recreational purposes. In place of these limitations, the bill substitutes language stating that, except as otherwise agreed by a public entity and an owner, an owner is not liable for losses resulting from a public entity's management, or failure to provide adequate management, of land that is used for recreational purposes. **Section 3** also removes unused and redundant definitions of terms.

Section 4 amends several exceptions that describe circumstances under which the CRUS does not limit an owner's liability. Specifically:

- The CRUS allows an owner to be found liable for "willful or malicious" failure to guard or warn against a known dangerous condition, use, structure, or activity likely to cause "harm". **Section 4** limits this exception to apply only to malicious failures and amends the exception to apply to a known dangerous condition, use, structure, or activity likely to cause "harm or death".
- The CRUS includes an exception in cases in which an owner imposes a charge upon a person who goes on the land for recreational purposes. **Section 4** removes certain language from this exception that is redundant with language that appears elsewhere in the CRUS.
- The CRUS includes an exception concerning attractive nuisances. **Section 4** provides that if a property used for public recreational purposes contains active or inactive agricultural operations; active or inactive mining operations, gravel operations, or other mineral and energy development; or certain water structures, neither the property nor the agricultural operations, nor the mining or gravel operations or other development, nor the water or water structures constitute an attractive nuisance.
- The CRUS allows an owner to be held liable for injury received on land incidental to the use of land on which a commercial or business enterprise of any description is being carried on. However, when land is leased to a public entity for recreational purposes or a public entity has been granted an easement or other right to use land for recreational purposes, the land is not considered to be land upon which a business or commercial enterprise is being carried on. **Section 4** removes this qualification from the exception.

Section 5 relocates language stating that the CRUS does not limit

the protections afforded to an owner under Colorado's premises liability statute. **Section 5** also states that nothing in the CRUS creates a prescriptive easement on private land where an owner has acquiesced to public use of existing trails that have historically been used by the public for recreational purposes.

Current law allows the prevailing party in any civil action brought by a recreational user for damages against a landowner who allows the use of the landowner's property for public recreational purposes to recover the costs of the action together with reasonable attorney fees as determined by the court. **Section 6** states that in the event that an action is commenced by any party, the prevailing party is entitled to recover all fees, costs, and expenses, including fees and expenses of attorneys and experts and fees and expenses associated with appeals of the court's decision.

Section 7 states that nothing in the CRUS may be construed to limit the authority of an owner to:

- Determine any or all of the recreational purposes that are allowed on the owner's land;
- Identify areas of the land where recreational purposes are allowed or not allowed; or
- Restrict persons from engaging in recreational purposes on the owner's land.

Section 7 also describes means by which an owner who elects to take any of these actions may provide notice to the public of such actions. **Section 7** also states that except as otherwise provided in the CRUS:

- An owner owes no duty of care to keep the owner's premises safe for entry by other persons for recreational purposes or to give any warning of a dangerous condition, use, structure, or activity on the premises to persons entering the land for such purposes; and
- Neither the installation of a sign or other form of warning of a dangerous condition, nor the failure to maintain or keep in place any sign or other warning, nor the failure to make any modification to improve safety creates any liability on the part of an owner when there is no other basis for liability.

1 *Be it enacted by the General Assembly of the State of Colorado:*

2 **SECTION 1.** In Colorado Revised Statutes, **amend** 33-41-101 as
3 follows:

4 **33-41-101. Legislative declaration.** (1) The ~~purpose~~ PURPOSES

1 of this ~~article is~~ ARTICLE 41 ARE to:

2 (a) PROMOTE A STATE POLICY OF RESPONSIBILITY BY BOTH
3 OWNERS OF LAND AND PERSONS WHO USE PRIVATE LAND FOR
4 RECREATIONAL PURPOSES; AND

5 (b) Encourage owners of land to make land and water areas
6 available for recreational purposes by limiting ~~their~~ OWNERS' liability.
7 ~~toward persons entering thereon for such purposes.~~

8 **SECTION 2.** In Colorado Revised Statutes, **amend** 33-41-102 as
9 follows:

10 **33-41-102. Definitions.** As used in this ~~article~~ ARTICLE 41, unless
11 the context otherwise requires:

12 (1) "Charge" means a consideration paid IN EXCHANGE for entry
13 upon or use of ~~the~~ land or any facilities ~~thereon~~ ON or adjacent ~~thereto~~ TO
14 LAND; except that, ~~in a case of~~ IF land IS leased to a public entity or ~~in~~
15 ~~which~~ a public entity has been granted an easement or other ~~rights~~ RIGHT
16 to use land for recreational purposes, any consideration received by the
17 owner for such A lease, easement, or other right ~~shall~~ IS not ~~be deemed~~ a
18 charge, ~~within the meaning of this article~~ nor ~~shall~~ IS any consideration
19 received by an owner from any federal governmental agency for the
20 ~~purposes~~ PURPOSE of admitting any person ~~constitute such~~ a charge.

21 (2) "INHERENT DANGERS OR RISKS" MEANS DANGERS OR
22 CONDITIONS THAT ARE PART OF ANY RECREATIONAL PURPOSE, INCLUDING:

23 (a) CHANGING WEATHER CONDITIONS;

24 (b) SURFACE OR SUBSURFACE CONDITIONS SUCH AS WILDLIFE,
25 FOREST GROWTH, ROCKS, STUMPS, STREAMBEDS, CLIFFS, EXTREME
26 TERRAIN, AND TREES OR OTHER NATURAL OBJECTS;

27 (c) AGRICULTURAL OR MINING ACTIVITIES OR OPERATIONS;

- 1 (d) SIGNS, POSTS, FENCES, AND ENCLOSURES;
2 (e) OTHER STRUCTURES AND THEIR COMPONENTS; AND
3 (f) DANGERS AND RISKS THAT RESULT FROM A PERSON ENGAGING
4 IN A RECREATIONAL PURPOSE BEYOND THE PERSON'S ABILITIES.

5 ~~(2)~~ (3) "Land" ~~also~~ means REAL PROPERTY AND INCLUDES roads,
6 water, watercourses, private ways, ~~and~~ buildings, structures, ~~and~~
7 machinery, ~~or~~ AND equipment ~~thereon, when~~ THAT IS attached to OR
8 LOCATED UPON real property.

9 ~~(3)~~ (4) "Owner" includes: ~~but is not limited to,~~

10 (a) The possessor of a fee interest;

11 ~~(b) a tenant, lessee, occupant, the possessor of any other interest~~
12 ~~in land, or~~ Any person having a right to grant permission to use ~~the~~
13 PRIVATE land;

14 (c) A PRIVATE LANDOWNER; or

15 ~~(d) Any public entity as defined in the "Colorado Governmental~~
16 ~~Immunity Act", article 10 of title 24, C.R.S., which~~ THAT has an interest
17 in land.

18 ~~(4)~~ (5) "Person" includes:

19 (a) Any individual, regardless of age, maturity, or experience; ~~or~~

20 (b) MEMBERS OF AN INDIVIDUAL'S FAMILY OR EXTENDED FAMILY;

21 (c) A THIRD PARTY WHO HAS AN ACTIONABLE CLAIM UNDER LAW;

22 (d) Any corporation, government or governmental subdivision or
23 agency, business trust, estate, trust, partnership, or association; or

24 (e) Any other legal entity.

25 ~~(4.5)~~ (6) "Public entity" means: ~~the same~~

26 (a) A PUBLIC ENTITY, as defined in section 24-10-103 (5); ~~C.R.S.~~

27 OR

1 (b) THE FEDERAL GOVERNMENT AND ANY AGENCY,
2 INSTRUMENTALITY, OR POLITICAL SUBDIVISION OF THE FEDERAL
3 GOVERNMENT.

4 ~~(5) (7) "Recreational purpose" includes, but is not limited to,~~
5 MEANS any sports HOBBY, DIVERSION, SPORT, or other recreational activity
6 of whatever nature undertaken by a person while using the PRIVATE land,
7 including ponds, lakes, reservoirs, streams, paths, and trails appurtenant
8 thereto, ~~of another and~~ TO SUCH LAND. "RECREATIONAL PURPOSE"
9 includes ~~but is not limited to, any hobby, diversion, or other sports or~~
10 ~~other recreational activity such as:~~ hunting, fishing, camping, picnicking,
11 hiking, horseback riding, snowshoeing, cross country skiing, bicycling,
12 riding or driving motorized recreational vehicles, swimming, tubing,
13 diving, spelunking, sightseeing, exploring, hang gliding, rock climbing,
14 kite flying, roller skating, bird watching, gold panning, target shooting,
15 ice skating, ice fishing, AND photography. ~~or engaging in any other form~~
16 of sports or other recreational activity.

17 **SECTION 3.** In Colorado Revised Statutes, **amend** 33-41-103 as
18 follows:

19 **33-41-103. Limitation on owner's liability - no liability for**
20 **management by public entity.** (1) ~~Subject to the provision of section~~
21 ~~33-41-105, An owner of land who either directly or indirectly~~ THAT
22 KNOWINGLY OR INTENTIONALLY invites or permits, without charge, any
23 person to use ~~such property~~ THE OWNER'S LAND for recreational purposes
24 does not thereby:

25 (a) Extend any assurance, IMPLIED OR EXPRESSED, that the
26 ~~premises are~~ LAND IS safe for any purpose AND FREE FROM ANY INHERENT
27 DANGERS OR RISKS;

1 (b) Confer upon ~~such~~ THE person the legal status of an invitee or
2 licensee to whom a duty of care is owed;

3 (c) Assume responsibility or incur liability for any injury to person
4 or property, or for the death of any person, INCLUDING EMOTIONAL
5 DISTRESS, INCAPACITATION DUE TO INJURY, MEDICAL EXPENSES, OR PAIN
6 AND SUFFERING, WHICH INJURY OR DEATH WAS caused by an act or
7 omission of ~~such~~ THE person.

8 (2) ~~(a) To the extent liability is found, notwithstanding subsection~~
9 ~~(1) of this section, the total amount of damages that may be recovered~~
10 ~~from a private landowner who leases land or a portion thereof to a public~~
11 ~~entity for recreational purposes or who grants an easement or other rights~~
12 ~~to use land or a portion thereof to a public entity for recreational purposes~~
13 ~~for injuries resulting from the use of the land by invited guests for~~
14 ~~recreational purposes shall be:~~ IN ORDER TO ENSURE THE INDEPENDENCE
15 OF PUBLIC ENTITIES IN THE MANAGEMENT OF THEIR RECREATIONAL
16 PROGRAMS AND TO PROTECT OWNERS OF LAND THAT IS USED FOR
17 RECREATIONAL PURPOSES FROM LIABILITY FOR DAMAGES RESULTING FROM
18 SUCH USE, EXCEPT AS OTHERWISE AGREED TO BY A PUBLIC ENTITY AND AN
19 OWNER, AN OWNER IS NOT LIABLE FOR DAMAGES RESULTING FROM A
20 PUBLIC ENTITY'S MANAGEMENT, OR FAILURE TO PROVIDE ADEQUATE
21 MANAGEMENT, OF LAND OR ANY PORTION OF LAND THAT IS USED FOR
22 RECREATIONAL PURPOSES.

23 ~~(I) For any injury to one person in any single occurrence, the~~
24 ~~amount specified in section 24-10-114 (1)(a)(I), C.R.S.;~~

25 ~~(II) For an injury to two or more persons in any single occurrence,~~
26 ~~the amount specified in section 24-10-114 (1)(a)(II), C.R.S.~~

27 ~~(b) The limitations in this subsection (2) shall apply only when~~

1 access to the property is limited, to the extent practicable, to invited
2 guests, when the person injured is an invited guest of the public entity,
3 when such use of the land by the injured person is for recreational
4 purposes, and only during the term of such lease, easement, or other
5 grant.

6 (c) Nothing in this subsection (2) shall limit, enlarge, or otherwise
7 affect the liability of a public entity.

8 (d) In order to ensure the independence of public entities in the
9 management of their recreational programs and to protect private
10 landowners of land used for public recreational purposes from liability
11 therefor, except as otherwise agreed by the public entity and a private
12 landowner, a private landowner shall not be liable for a public entity's
13 management of the land or portion thereof which is used for recreational
14 purposes.

15 (e) For purposes of this subsection (2) only, unless the context
16 otherwise requires:

17 (f) "Invited guests" means all persons or guests of persons present
18 on the land for recreational purposes, at the invitation or consent of the
19 public entity, and with or without permit or license to enter the land, and
20 all persons present on the land at the invitation or consent of the public
21 entity or the landowner for business or other purposes relating to or
22 arising from the use of the land for recreational purposes if the public
23 entity receives all of the revenues, if any, which are collected for entry
24 onto the land. "Invited guests" does not include any such persons or
25 guests of any person present on the land for recreational purposes at the
26 invitation or consent of the public entity or the landowner if the
27 landowner retains all or a portion of the revenue collected for entry onto

1 the land or if the landowner shares the revenue collected for entry onto
2 the land with the public entity. For the purposes of this subparagraph (I),
3 "revenue collected for entry" does not include lease payments,
4 lease-purchase payments, or rental payments.

5 (H) "Land" means real property, or a body of water and the real
6 property appurtenant thereto, or real property that was subject to mining
7 operations under state or federal law and that has been abandoned or left
8 in an inadequate reclamation status prior to August 3, 1977, for coal
9 mining operations, or July 1, 1976, for hard rock mining operations,
10 which is leased to a public entity or for which an easement or other right
11 is granted to a public entity for recreational purposes or for which the
12 landowner has acquiesced to public use of existing trails that have
13 historically been used by the public for recreational purposes. "Land", as
14 used in this subsection (2), does not include real property, buildings, or
15 portions thereof which are not the subject of a lease, easement, or other
16 right of use granted to a public entity; except that land on which a
17 landowner has acquiesced to public use of existing trails that have
18 historically been used by the public for recreational purposes need not be
19 subject to a lease, easement, or other right of use granted to a public
20 entity. Nothing in this subparagraph (H) shall be construed to create a
21 prescriptive easement on lands on which a landowner has acquiesced to
22 public use of existing trails that have historically been used by the public
23 for recreational purposes. The incidental use of such private property for
24 recreational purposes shall not establish or presume facts to support land
25 use classification or zoning.

26 (H.5) "Lease" or "leased" includes a lease-purchase agreement
27 containing an option to purchase the property. Any lease in which a

1 private landowner leases land or a portion thereof to a public entity for
2 recreational purposes shall contain a disclosure advising the private
3 landowner of the right to bargain for indemnification from liability for
4 injury resulting from use of the land by invited guests for recreational
5 purposes.

6 (H.7) "Management" means the entire range of activities, whether
7 undertaken or not by the public entity, associated with controlling,
8 directing, allowing, and administering the use, operation, protection,
9 development, repair, and maintenance of private land for public
10 recreational purposes.

11 (H) "Recreational purposes" includes, but is not limited to, any
12 sports or other recreational activity of whatever nature undertaken by an
13 invited guest while using the land, including ponds, lakes, reservoirs,
14 streams, paths, and trails appurtenant to, of another and includes, but is
15 not limited to, any hobby, diversion, or other sports or other recreational
16 activity such as: Fishing, picnicking, hiking, horseback riding,
17 snowshoeing, cross country skiing, bicycling, swimming, tubing, diving,
18 sight-seeing, exploring, kite flying, bird watching, gold panning, ice
19 skating, ice fishing, photography, or engaging in any other form of sports
20 or other recreational activity, as well as any activities related to such
21 sports or recreational activities, and any activities directly or indirectly
22 resulting from such sports or recreational activity.

23 (f) Nothing in this subsection (2) shall limit the protections
24 provided, as applicable, to a landowner under section 13-21-115, C.R.S.

25 **SECTION 4.** In Colorado Revised Statutes, **amend** 33-41-104 as
26 follows:

27 **33-41-104. When liability is not limited.** (1) Nothing in this

1 ~~article~~ ARTICLE 41 limits in any way any liability ~~which~~ THAT would
2 otherwise exist:

3 (a) For ~~willful or~~ malicious failure to guard or warn against a
4 known dangerous condition, use, structure, or activity likely to cause
5 harm OR DEATH;

6 (b) For injury suffered by any person in any case ~~where the~~ IN
7 WHICH AN owner of land ~~charges the~~ IMPOSES A CHARGE UPON A person
8 who enters or goes on the land for ~~the~~ A recreational use thereof; ~~except~~
9 ~~that, in case of land leased to a public entity or in which a public entity~~
10 ~~has been granted an easement or other rights to use land for recreational~~
11 ~~purposes any consideration received by the owner for such lease,~~
12 ~~easement, or other right shall not be deemed a charge within the meaning~~
13 ~~of this article nor shall any consideration received by an owner from any~~
14 ~~federal governmental agency for the purpose of admitting any person~~
15 ~~constitute such a charge~~ PURPOSE;

16 (c) For maintaining an attractive nuisance; except that, if the
17 property used for ~~public~~ recreational purposes contains ACTIVE OR
18 INACTIVE AGRICULTURAL OPERATIONS; ACTIVE OR INACTIVE mining
19 OPERATIONS, GRAVEL operations, ~~that were abandoned or left in an~~
20 ~~inadequate reclamation status as provided in section 33-41-103 (2)(c)(H)~~
21 ~~or was constructed or is~~ OR OTHER MINERAL AND ENERGY DEVELOPMENT;
22 OR WATER STRUCTURES used for or in connection with the diversion,
23 storage, conveyance, or use of water, NEITHER the property ~~and~~ NOR the
24 ~~water or abandoned~~ AGRICULTURAL, mining, GRAVEL OR OTHER
25 operations, NOR ANY OTHER MINERAL AND ENERGY DEVELOPMENT, NOR
26 SUCH WATER OR WATER STRUCTURES within ~~such~~ THE property ~~shall not~~
27 constitute an attractive nuisance;

1 (d) For injury received on land incidental to the use of land on
2 which ~~a AN ACTIVE~~ commercial or business enterprise of any description
3 ~~is being carried on; except that in the case of land leased to a public entity~~
4 ~~for recreational purposes or in which a public entity has been granted an~~
5 ~~easement or other rights to use land for recreational purposes, such land~~
6 ~~shall not be considered to be land upon which a business or commercial~~
7 ~~enterprise is being carried on~~ EXISTS.

8 **SECTION 5.** In Colorado Revised Statutes, **amend** 33-41-105 as
9 follows:

10 **33-41-105. Article not to create liability or relieve obligation.**

11 (1) Nothing in this ~~article~~ ARTICLE 41 shall be construed to:

12 (a) Create, enlarge, or affect in any manner any liability for ~~willful~~
13 ~~or~~ malicious failure to guard or warn against a known dangerous
14 condition, use, structure, or activity likely to cause harm OR DEATH, or for
15 injury OR DEATH suffered by any person in any case where the owner of
16 land ~~charges~~ IMPOSES A CHARGE for that person to enter or go on the land
17 for ~~the~~ A recreational ~~use thereof~~ PURPOSE;

18 (b) Relieve any person using the land of another for recreational
19 purposes from any obligation ~~which he~~ THE PERSON may have in the
20 absence of this ~~article~~ ARTICLE 41 to exercise care in ~~his~~ THE use of such
21 land and in ~~his~~ THE PERSON'S activities ~~thereon~~ ON THE LAND or from the
22 legal consequences of failure to employ such care;

23 (c) Limit any liability of any owner to any person for damages
24 resulting from any occurrence ~~which~~ THAT took place ~~prior to~~ BEFORE
25 January 1, 1970;

26 (d) LIMIT THE PROTECTIONS AFFORDED TO AN OWNER PURSUANT
27 TO SECTION 13-21-115; OR

1 (e) CREATE A PRESCRIPTIVE EASEMENT ON PRIVATE LAND WHERE
2 AN OWNER HAS ACQUIESCED TO PUBLIC USE OF EXISTING TRAILS THAT
3 HAVE HISTORICALLY BEEN USED BY THE PUBLIC FOR RECREATIONAL
4 PURPOSES. THE INCIDENTAL USE OF SUCH PRIVATE PROPERTY FOR
5 RECREATIONAL PURPOSES DOES NOT ESTABLISH FACTS TO SUPPORT LAND
6 USE OR ZONING DECISIONS BY A LOCAL GOVERNMENT TO GRANT ANY
7 PRESCRIPTIVE EASEMENTS.

8 **SECTION 6.** In Colorado Revised Statutes, **amend** 33-41-105.5
9 as follows:

10 **33-41-105.5. Prevailing party - attorney fees, costs, and**
11 **expenses.** IN THE EVENT THAT AN ACTION CONCERNING THE
12 APPLICABILITY OF THIS ARTICLE 41 IS COMMENCED BY ANY PARTY, the
13 prevailing party ~~in any civil action by a recreational user for damages~~
14 ~~against a landowner who allows the use of the landowner's property for~~
15 ~~public recreational purposes shall~~ IS ENTITLED TO recover ~~the~~ FROM THE
16 LOSING PARTY ALL FEES, costs, ~~of the action together with reasonable~~
17 ~~attorney fees as determined by the court~~ AND EXPENSES, INCLUDING
18 WITHOUT LIMITATION ALL FEES, COSTS, AND EXPENSES OF ATTORNEYS AND
19 EXPERTS AND ALL FEES, COSTS, AND EXPENSES ASSOCIATED WITH APPEALS
20 OF THE COURT'S DECISION.

21 **SECTION 7.** In Colorado Revised Statutes, **add** 33-41-107 as
22 follows:

23 **33-41-107. Determination of permissive uses and limitations**
24 **- forms of notification - no liability created by notification.**

25 (1) NOTHING IN THIS ARTICLE 41 MAY BE CONSTRUED TO LIMIT THE
26 AUTHORITY OF AN OWNER TO:

27 (a) DETERMINE ANY OR ALL OF THE RECREATIONAL PURPOSES

1 THAT ARE ALLOWED ON THE OWNER'S LAND;

2 (b) IDENTIFY AREAS OF THE LAND WHERE RECREATIONAL
3 PURPOSES ARE ALLOWED OR NOT ALLOWED; OR

4 (c) RESTRICT PERSONS FROM ENGAGING IN RECREATIONAL
5 PURPOSES ON THE OWNER'S LAND.

6 (2) AN OWNER WHO ELECTS TO TAKE ANY OF THE ACTIONS
7 DESCRIBED IN SUBSECTION (1) OF THIS SECTION MAY PROVIDE NOTICE TO
8 THE PUBLIC OF SUCH ACTIONS BY:

9 (a) POSTING ONE OR MORE SIGNS AT THE MOST IDENTIFIABLE
10 TRAILHEAD OR OTHER PRIMARY ENTRANCE TO THE LAND;

11 (b) POSTING NOTICES IN ONE OR MORE LOCAL NEWSPAPERS;

12 (c) NOTIFYING THE UNITED STATES FOREST SERVICE WITHIN THE
13 FEDERAL DEPARTMENT OF AGRICULTURE, THE BUREAU OF LAND
14 MANAGEMENT WITHIN THE FEDERAL DEPARTMENT OF THE INTERIOR, OR
15 THE DIVISION OF PARKS AND WILDLIFE CREATED IN SECTION 33-9-104.

16 (3) EXCEPT AS OTHERWISE PROVIDED IN THIS ARTICLE 41:

17 (a) AN OWNER OWES NO DUTY OF CARE TO KEEP THE OWNER'S
18 PREMISES SAFE FOR ENTRY BY OTHER PERSONS FOR RECREATIONAL
19 PURPOSES OR TO GIVE ANY WARNING OF A DANGEROUS CONDITION, USE,
20 STRUCTURE, OR ACTIVITY ON THE PREMISES TO PERSONS ENTERING THE
21 LAND FOR SUCH PURPOSES; AND

22 (b) NEITHER THE INSTALLATION OF A SIGN OR OTHER FORM OF
23 WARNING OF A DANGEROUS CONDITION, NOR THE FAILURE TO MAINTAIN
24 OR KEEP IN PLACE ANY SIGN OR OTHER WARNING, NOR THE FAILURE TO
25 MAKE ANY MODIFICATION TO IMPROVE SAFETY CREATES ANY LIABILITY ON
26 THE PART OF AN OWNER WHEN THERE IS NO OTHER BASIS FOR LIABILITY.

27 **SECTION 8. Act subject to petition - effective date.** This act

1 takes effect at 12:01 a.m. on the day following the expiration of the
2 ninety-day period after final adjournment of the general assembly; except
3 that, if a referendum petition is filed pursuant to section 1 (3) of article V
4 of the state constitution against this act or an item, section, or part of this
5 act within such period, then the act, item, section, or part will not take
6 effect unless approved by the people at the general election to be held in
7 November 2024 and, in such case, will take effect on the date of the
8 official declaration of the vote thereon by the governor.