

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

**LEGISLATIVE BILL 564**

Introduced by Friend, 10; Adams, 24; Fulton, 29; Gay, 14; Pankonin,  
2

Read first time January 17, 2007

Committee: Judiciary

A BILL

1 FOR AN ACT relating to recreational activities; to amend  
2 sections 37-729, 37-730, 37-735, and 37-736, Reissue  
3 Revised Statutes of Nebraska, and section 37-734,  
4 Revised Statutes Cumulative Supplement, 2006; to name  
5 the Recreational Liability Act; to redefine a term;  
6 to harmonize provisions; and to repeal the original  
7 sections.

8 Be it enacted by the people of the State of Nebraska,

1           Section 1. Sections 37-729 to 37-736 and this section  
2 shall be known and may be cited as the Recreational Liability Act.

3           Sec. 2. Section 37-729, Reissue Revised Statutes of  
4 Nebraska, is amended to read:

5           37-729 For purposes of ~~sections 37-729 to 37-736~~ the  
6 Recreational Liability Act:

7           (1) Land includes roads, water, watercourses, private  
8 ways, and buildings, structures, and machinery or equipment thereon  
9 when attached to the realty;

10           (2) Owner includes the State of Nebraska, a state agency,  
11 a political subdivision, or a private individual or entity that  
12 is a title holder, tenant, lessee, occupant, or other person in  
13 control of the premises, land; and

14           (3) Recreational purposes includes, but is not limited  
15 to, any one or any combination of the following: Hunting, fishing,  
16 swimming, boating, camping, picnicking, hiking, pleasure driving,  
17 nature study, waterskiing, winter sports, and visiting, viewing, or  
18 enjoying historical, archaeological, scenic, or scientific sites,  
19 or otherwise using land for purposes of the user; and

20           (4) Charge means the amount of money asked in return for  
21 an invitation to enter or go upon the land.

22           Sec. 3. Section 37-730, Reissue Revised Statutes of  
23 Nebraska, is amended to read:

24           37-730 The purpose of the Recreational Liability Act  
25 ~~sections 37-729 to 37-736~~ is to encourage owners of land to make

1 available to the public land and water areas for recreational  
2 purposes by limiting their liability toward persons entering  
3 thereon and toward persons who may be injured or otherwise damaged  
4 by the acts or omissions of persons entering thereon.

5           Sec. 4. Section 37-734, Revised Statutes Cumulative  
6 Supplement, 2006, is amended to read:

7           37-734 Nothing in ~~sections 37-729 to 37-736~~ the  
8 Recreational Liability Act limits in any way any liability which  
9 otherwise exists ~~(1)~~ for willful or malicious failure to guard or  
10 warn against a dangerous condition, use, structure, or activity or  
11 (2) for injury suffered in any case where the owner of land charges  
12 the person or persons who enter or go on the land.

13           Sec. 5. Section 37-735, Reissue Revised Statutes of  
14 Nebraska, is amended to read:

15           37-735 Nothing in ~~sections 37-729 to 37-736~~ the  
16 Recreation Liability Act creates a duty of care or ground of  
17 liability for injury to person or property.

18           Sec. 6. Section 37-736, Reissue Revised Statutes of  
19 Nebraska, is amended to read:

20           37-736 Nothing in ~~sections 37-729 to 37-736~~ the  
21 Recreation Liability Act limits in any way the obligation of a  
22 person entering upon or using the land of another for recreational  
23 purposes to exercise due care in his or her use of such land in his  
24 or her activities thereon.

25           Sec. 7. Original sections 37-729, 37-730, 37-735, and

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- 1 37-736, Reissue Revised Statutes of Nebraska, and section 37-734,
- 2 Revised Statutes Cumulative Supplement, 2006, are repealed.