

LEGISLATURE OF NEBRASKA

ONE HUNDREDTH LEGISLATURE

FIRST SESSION

LEGISLATIVE BILL 566

Introduced by Louden, 49; Adams, 24; Burling, 33; Carlson, 38;
Christensen, 44; Hansen, 42; Harms, 48; Pankonin, 2;
Wallman, 30; Wightman, 36

Read first time January 17, 2007

Committee: Judiciary

A BILL

- 1 FOR AN ACT relating to recreational activities; to adopt the Public
- 2 Recreational Liability Act.
- 3 Be it enacted by the people of the State of Nebraska,

1 Section 1. Sections 1 to 7 of this act shall be known and
2 may be cited as the Public Recreational Liability Act.

3 Sec. 2. For purposes of the Public Recreational Liability
4 Act:

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

8 (2) Owner means the state, a state agency, including the
9 University of Nebraska and any state college or community college,
10 or a political subdivision that is the title holder, tenant,
11 lessee, occupant, or otherwise in control of the land;

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

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

20 Sec. 3. Subject to section 5 of this act, an owner of
21 land owes no duty of care to keep the premises safe for entry or
22 use by others for recreational purposes or to give any warning of
23 a dangerous condition, use, structure, or activity on such premises
24 to persons entering for such purposes.

25 Sec. 4. Subject to section 5 of this act, an owner of

1 land who either directly or indirectly invites or permits without
2 charge any person to use such property for recreational purposes
3 does not thereby (1) extend any assurance that the premises are
4 safe for any purpose, (2) confer upon such persons the legal status
5 of an invitee or licensee to whom a duty of care is owed, or
6 (3) assume responsibility for or incur liability for any injury to
7 person or property caused by an act or omission of such persons.

8 Sec. 5. Nothing in the Public Recreational Liability Act
9 limits in any way any liability which otherwise exists (1) for
10 willful or malicious failure to guard or warn against a dangerous
11 condition, use, structure, or activity or (2) for injury suffered
12 in any case where the owner of land charges the person or persons
13 who enter or go on the land.

14 Sec. 6. Nothing in the Public Recreational Liability Act
15 creates a duty of care or ground of liability for injury to person
16 or property.

17 Sec. 7. Nothing in the Public Recreational Liability Act
18 limits in any way the obligation of a person entering upon or using
19 the land of another for recreational purposes to exercise due care
20 in his or her use of such land in his or her activities thereon.