

Senate Amendment 5128

PAG LIN

1 1 Amend House File 2546, as passed by the House, as
1 2 follows:
1 3 #1. By striking everything after the enacting
1 4 clause and inserting the following:
1 5 <Section 1. Section 461C.1, Code 2005, is amended
1 6 to read as follows:
1 7 461C.1 PURPOSE.
1 8 The purpose of this chapter is to encourage private
1 9 owners of land to make land and water areas available
1 10 to the public for recreational purposes and for urban
1 11 deer control by limiting their liability toward
1 12 persons entering thereon for such purposes.
1 13 Sec. 2. Section 461C.2, subsection 3, Code 2005,
1 14 is amended to read as follows:
1 15 3. "Land" means private land located in a
1 16 municipality including abandoned or inactive surface
1 17 mines, caves, and land used for agricultural purposes,
1 18 including marshlands, timber, grasslands and the
1 19 privately owned roads, water, water courses, private
1 20 ways and buildings, structures and machinery or
1 21 equipment appurtenant thereto.
1 22 Sec. 3. Section 461C.2, Code 2005, is amended by
1 23 adding the following new subsections:
1 24 NEW SUBSECTION. 3A. "Municipality" means any city
1 25 or county in the state.
1 26 NEW SUBSECTION. 5. "Urban deer control" means
1 27 deer hunting with a bow and arrow on private land in a
1 28 municipality, without charge, as authorized by a
1 29 municipal ordinance, for the purpose of reducing or
1 30 stabilizing an urban deer population in the
1 31 municipality.
1 32 Sec. 4. Section 461C.3, Code 2005, is amended to
1 33 read as follows:
1 34 461C.3 LIABILITY OF OWNER LIMITED.
1 35 Except as specifically recognized by or provided in
1 36 section 461C.6, an owner of land owes no duty of care
1 37 to keep the premises safe for entry or use by others
1 38 for recreational purposes or urban deer control, or to
1 39 give any warning of a dangerous condition, use,
1 40 structure, or activity on such premises to persons
1 41 entering for such purposes.
1 42 Sec. 5. Section 461C.4, unnumbered paragraph 1,
1 43 Code 2005, is amended to read as follows:
1 44 Except as specifically recognized by or provided in
1 45 section 461C.6, a holder of land who either directly
1 46 or indirectly invites or permits without charge any
1 47 person to use such property for recreational purposes
1 48 or urban deer control does not thereby:
1 49 Sec. 6. Section 461C.5, Code 2005, is amended to
1 50 read as follows:
2 1 461C.5 DUTIES AND ABILITIES OF OWNER OF LEASED
2 2 LAND.
2 3 Unless otherwise agreed in writing, the provisions
2 4 of sections 461C.3 and 461C.4 shall be deemed
2 5 applicable to the duties and liability of an owner of
2 6 land leased, or any interest or right therein
2 7 transferred to, or the subject of any agreement with,
2 8 the United States or any agency thereof, or the state
2 9 or any agency or subdivision thereof, for recreational
2 10 purposes or urban deer control.
2 11 Sec. 7. Section 461C.6, subsection 2, Code 2005,
2 12 is amended to read as follows:
2 13 2. For injury suffered in any case where the owner
2 14 of land charges the person or persons who enter or go
2 15 on the land for the recreational use thereof or for
2 16 deer hunting, except that in the case of land or any
2 17 interest or right therein, leased or transferred to,
2 18 or the subject of any agreement with, the United
2 19 States or any agency thereof or the state or any
2 20 agency thereof or subdivision thereof, any
2 21 consideration received by the holder for such lease,
2 22 interest, right or agreement, shall not be deemed a
2 23 charge within the meaning of this section.
2 24 Sec. 8. Section 461C.7, subsection 2, Code 2005,

2 25 is amended to read as follows:
2 26 2. Relieve any person using the land of another
2 27 for recreational purposes or urban deer control from
2 28 any obligation which the person may have in the
2 29 absence of this chapter to exercise care in the use of
2 30 such land and in the person's activities thereon, or
2 31 from the legal consequences of failure to employ such
2 32 care.

2 33 Sec. 9. NEW SECTION. 461C.8 URBAN DEER CONTROL
2 34 == MUNICIPAL ORDINANCE.

2 35 1. A municipality may adopt an ordinance
2 36 authorizing trained, volunteer hunters to hunt deer
2 37 with a bow and arrow on private land within the
2 38 municipality, without charge, for the purpose of urban
2 39 deer control.

2 40 2. The ordinance shall specify all of the
2 41 following:

2 42 a. How a person qualifies to participate in urban
2 43 deer control.

2 44 b. Where urban deer control can occur.

2 45 c. Conditions under which urban deer control can
2 46 be conducted, which are intended to minimize the risk
2 47 of injury to persons and property.

2 48 3. A hunter who participates in urban deer control
2 49 pursuant to this section shall be otherwise qualified
2 50 to hunt deer in this state, have a hunting license and
3 1 pay the wildlife habitat fee, and obtain a special
3 2 deer hunting license valid only for the dates,
3 3 locations, and type of deer specified on the license.
3 4 Special deer hunting licenses issued pursuant to this
3 5 section shall be available only to residents and shall
3 6 cost the same as deer hunting licenses issued during
3 7 general deer seasons. The commission may establish
3 8 procedures for issuing more than one license per
3 9 person as necessary to achieve the purposes of urban
3 10 deer control, and the cost of each additional license
3 11 shall be ten dollars.

3 12 4. An urban deer control ordinance is not
3 13 effective until it has been approved by the department
3 14 of natural resources.

3 15 5. The department of natural resources shall adopt
3 16 rules in accordance with chapter 17A necessary for the
3 17 administration of this section.>

3 18 #2. Title page, by striking lines 1 through 3 and
3 19 inserting the following: <An Act allowing private
3 20 landowners limited immunity from premises liability
3 21 during urban deer control hunts.>

3 22
3 23

3 24 _____
3 25 DAVID MILLER
3 26 HF 2546.701 81
3 27 av/gg/5092