

Senate File 452

S-3199

1 Amend Senate File 452 as follows:

2 1. Page 5, after line 20 by inserting:

3 <Sec. _____. Section 461C.1, Code 2013, is amended to
4 read as follows:

5 **461C.1 Purpose.**

6 1. The purpose of this chapter is to encourage
7 private ~~owners~~ holders of land to make land and water
8 areas available to the public for recreational purposes
9 and for urban deer control by limiting ~~an owner's a~~
10 ~~holder's~~ liability toward persons entering onto the
11 ~~owner's~~ holder's property for such purposes. The
12 provisions of this chapter shall be construed liberally
13 and broadly in favor of private holders of land to
14 accomplish the purposes of this chapter.

15 2. The general assembly declares that the holding
16 of *Sallee v. Stewart*, (No. 11-0892) (Iowa 2013) is
17 abrogated in its entirety as contrary to the general
18 assembly's intent for the construction of this chapter.

19 Sec. _____. Section 461C.2, subsections 3 and 5, Code
20 2013, are amended to read as follows:

21 3. "Land" means private land located in a
22 municipality including abandoned or inactive surface
23 ~~mines,; caves, and;~~ land used for agricultural
24 ~~purposes, including;~~ marshlands, timber, and
25 ~~grasslands;~~ and the privately owned roads, ~~water~~
26 paths, trails, waters, water courses, private ways and
27 exteriors and interiors of buildings, structures, and
28 machinery, or equipment appurtenant thereto located on
29 such land. "Land" includes land that is not open to
30 the general public.

31 5. "Recreational purpose" means any activity
32 undertaken for recreation, sport, exercise, education,
33 relaxation, or pleasure, including but not limited to
34 the following or any combination thereof: Hunting,
35 trapping, horseback riding, fishing, swimming,
36 boating, camping, picnicking, hiking, pleasure driving,
37 motorcycling, all-terrain vehicle riding, nature study,
38 water skiing, snowmobiling, ~~other summer and winter~~
39 sports or games, and agricultural tours, and viewing
40 or enjoying historical, archaeological, scenic, or
41 scientific sites ~~while going to and from or actually~~
42 engaged therein. "Recreational purpose" includes the
43 activity of accompanying another person who is engaging
44 in such activities. "Recreational purpose" is not
45 limited to active engagement in such activities, but
46 also includes entry onto, use of, passage over, and
47 presence on any part of the land in connection with
48 such activities.

49 Sec. _____. Section 461C.3, Code 2013, is amended to
50 read as follows:

1 **461C.3 Liability of ~~owner~~ holder limited.**

2 1. Except as specifically recognized by or provided
3 in section 461C.6, an ~~owner~~ a holder of land ~~owes~~ no
4 does not owe a duty of care to keep the premises safe
5 for entry or use by others for recreational purposes
6 or urban deer control, or to give any warning of a
7 dangerous condition, use, structure, or activity on
8 such premises to persons entering for such purposes.

9 2. Except as specifically recognized or provided
10 in section 461C.6, a holder of land does not owe a
11 duty of care to others because the holder is guiding,
12 directing, supervising, or participating in any
13 recreational purpose or urban deer control undertaken
14 by others on the holder's land.

15 Sec. _____. Section 461C.4, Code 2013, is amended by
16 adding the following new subsection:

17 **NEW SUBSECTION.** 2A. Assume a duty of care to
18 a person because the holder is guiding, directing,
19 supervising, or participating in any recreational
20 purpose or urban deer control undertaken by the person
21 on the holder's land.

22 Sec. _____. Section 461C.5, Code 2013, is amended to
23 read as follows:

24 **461C.5 Duties and liabilities of ~~owner~~ holder of**
25 **leased land.**

26 Unless otherwise agreed in writing, the provisions
27 of sections 461C.3 and 461C.4 shall be deemed
28 applicable to the duties and liability of ~~an owner~~ a
29 holder of land leased, or any interest or right therein
30 transferred to, or the subject of any agreement with,
31 the United States or any agency thereof, or the state
32 or any agency or subdivision thereof, for recreational
33 purposes or urban deer control.

34 Sec. 6. Section 461C.6, Code 2013, is amended to
35 read as follows:

36 **461C.6 When liability lies against ~~owner~~ holder.**

37 Nothing in this chapter limits in any way any
38 liability which otherwise exists:

39 1. For willful or malicious failure to guard or
40 warn against a dangerous condition, use, structure, or
41 activity.

42 2. For injury suffered in any case where the ~~owner~~
43 holder of land charges the person or persons who enter
44 or go on the land for the recreational use thereof or
45 for deer hunting, except that in the case of land or
46 any interest or right therein, leased or transferred
47 to, or the subject of any agreement with, the United
48 States or any agency thereof or the state or any agency
49 thereof or subdivision thereof, any consideration
50 received by the holder for such lease, interest, right

1 or agreement shall not be deemed a charge within the
2 meaning of this section.>
3 2. By renumbering as necessary.

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