

MAR 2 1999

NATURAL RESOURCES

HOUSE FILE 454  
BY CARROLL

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act relating to landowner liability for the public use of  
2 private lands for recreational purposes.  
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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454

1 Section 1. Section 461C.2, subsection 4, Code 1999, is  
2 amended to read as follows:

3 4. "Recreational purpose" means the following or any  
4 combination thereof: Hunting, trapping, horseback riding,  
5 fishing, swimming, boating, camping, picnicking, hiking,  
6 pleasure driving, motorcycling, nature study, water skiing,  
7 snowmobiling, other summer and winter sports, activities of  
8 amusement, gathering of produce under pick-your-own or cut-  
9 your-own arrangements, and touring, viewing, or enjoying  
10 historical, archaeological, scenic, agricultural, or  
11 scientific sites while going to and from or actually engaged  
12 therein.

13 Sec. 2. NEW SECTION. 461C.4A GATHERING OF FARM PRODUCE.

14 A holder of land who allows a person to enter such property  
15 and gather the produce of the property under pick-your-own or  
16 cut-your-own arrangements shall not be liable for personal  
17 injury or property damage to a person entering or using the  
18 property even if the holder charges the person for the produce  
19 or activities with a recreational purpose.

20 Sec. 3. Section 461C.5, Code 1999, is amended to read as  
21 follows:

22 461C.5 DUTIES AND LIABILITIES OF OWNER OF LEASED LAND.

23 Unless otherwise agreed in writing, the provisions of  
24 sections 461C.3, and 461C.4, and 461C.4A shall be deemed  
25 applicable to the duties and liability of an owner of land  
26 leased, or any interest or right therein transferred to, or  
27 the subject of any agreement with, the United States or any  
28 agency thereof, or the state or any agency or subdivision  
29 thereof, for recreational purposes.

30 EXPLANATION

31 This bill amends Code chapter 461C which relates to  
32 limiting liability for landowners who allow a person to enter  
33 the landowner's property for recreational purposes. The bill  
34 adds activities of amusement, gathering of produce, and the  
35 touring of historical, archaeological, scenic, agricultural,

1 or scientific sites to the definition of recreational  
2 activities. The bill limits a landowner's liability for  
3 personal injury or property damage to a person entering or  
4 using the property for purposes of gathering of produce  
5 notwithstanding that the landowner may charge the person for  
6 the produce or activities with a recreational purpose.

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