

House File 2236 - Introduced

HOUSE FILE 2236

BY WORTHAN

A BILL FOR

1 An Act relating to the liability of a private land holder
2 for the public use of private lands and waters for a
3 noncommercial aviation purpose.

4 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 461C.1, Code 2014, is amended to read as
2 follows:

3 **461C.1 Purpose.**

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

12 Sec. 2. Section 461C.2, Code 2014, is amended by adding the
13 following new subsection:

14 NEW SUBSECTION. 4A. "*Noncommercial aviation purpose*" means
15 the use of an aircraft on privately owned land or water when
16 the use is not for the transportation of persons or property
17 for compensation or hire.

18 Sec. 3. Section 461C.3, Code 2014, is amended to read as
19 follows:

20 **461C.3 Liability of holder limited.**

21 1. Except as specifically recognized by or provided in
22 section 461C.6, a holder of land does not owe a duty of care
23 to keep the premises safe for entry or use by others for a
24 recreational purpose, ~~or~~ urban deer control, or a noncommercial
25 aviation purpose, or to give any warning of a dangerous
26 condition, use, structure, or activity on such premises to
27 persons entering for such purposes.

28 2. Except as specifically recognized by or provided in
29 section 461C.6, a holder of land does not owe a duty of care
30 to others solely because the holder is guiding, directing,
31 supervising, or participating in any recreational purpose,
32 ~~or~~ urban deer control, or a noncommercial aviation purpose
33 undertaken by others on the holder's land.

34 Sec. 4. Section 461C.4, unnumbered paragraph 1, Code 2014,
35 is amended to read as follows:

1 Except as specifically recognized by or provided in section
2 461C.6, a holder of land who either directly or indirectly
3 invites or permits without charge any person to use such
4 property for a recreational purpose, ~~or~~ urban deer control, or
5 a noncommercial aviation purpose does not thereby:

6 Sec. 5. Section 461C.4, subsection 3, Code 2014, is amended
7 to read as follows:

8 3. Assume a duty of care to such person solely because the
9 holder is guiding, directing, supervising, or participating
10 in any recreational purpose, ~~or~~ urban deer control, or
11 noncommercial aviation purpose undertaken by the person on the
12 holder's land.

13 Sec. 6. Section 461C.5, Code 2014, is amended to read as
14 follows:

15 **461C.5 Duties and liabilities of holder of leased land.**

16 Unless otherwise agreed in writing, the provisions of
17 sections 461C.3 and 461C.4 shall be deemed applicable to
18 the duties and liability of a holder of land leased, or any
19 interest or right therein transferred to, or the subject of any
20 agreement with, the United States or any agency thereof, or the
21 state or any agency or subdivision thereof, for a recreational
22 purpose, ~~or~~ urban deer control, or a noncommercial aviation
23 purpose.

24 Sec. 7. Section 461C.6, subsection 2, Code 2014, is amended
25 to read as follows:

26 2. For injury suffered in any case where the holder of land
27 charges the person or persons who enter or go on the land for
28 the recreational use thereof, ~~or~~ for deer hunting, or for a
29 noncommercial aviation use thereof except that in the case of
30 land or any interest or right therein, leased or transferred
31 to, or the subject of any agreement with, the United States
32 or any agency thereof or the state or any agency thereof or
33 subdivision thereof, any consideration received by the holder
34 for such lease, interest, right, or agreement shall not be
35 deemed a charge within the meaning of this section.

1 Sec. 8. Section 461C.7, subsection 2, Code 2014, is amended
2 to read as follows:

3 2. Relieve any person using the land of another for
4 a recreational purpose, ~~or urban deer control~~, or for a
5 noncommercial aviation purpose from any obligation which the
6 person may have in the absence of this chapter to exercise care
7 in the use of such land and in the person's activities thereon,
8 or from the legal consequences of failure to employ such care.

9 EXPLANATION

10 The inclusion of this explanation does not constitute agreement with
11 the explanation's substance by the members of the general assembly.

12 This bill relates to the liability of a private land
13 holder for the public use of private lands and waters for a
14 noncommercial aviation purpose.

15 Code chapter 461C (public use of private lands and waters)
16 provides that a holder of land does not owe a duty of care
17 to keep the premises safe for entry or use by others for a
18 recreational purpose or for urban deer control, or to give any
19 warning of a dangerous condition, use, structure, or activity
20 on such premises to persons entering for such purposes. In
21 addition, a holder of land does not owe a duty of care to others
22 solely because the holder is guiding, directing, supervising,
23 or participating in a recreational purpose or urban deer
24 control undertaken by others on the holder's land. The law
25 does not apply to a willful or malicious failure to guard or
26 warn against a dangerous condition, use, structure, or activity
27 and for injuries suffered where the holder charges the person
28 to participate in the recreational use or for deer hunting.

29 The bill expands the limitation on the liability of private
30 land holders for the public use of private lands and waters to
31 a "noncommercial aviation purpose" defined as the use of an
32 aircraft on privately owned land or water when the use is not
33 for the transportation of persons or property for compensation
34 or hire.