

Senate Study Bill 1155 - Introduced

SENATE FILE _____
BY (PROPOSED COMMITTEE ON
TRANSPORTATION BILL BY
CHAIRPERSON BROWN)

A BILL FOR

1 An Act relating to private land available for public use for
2 recreational purposes.
3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

1 Section 1. Section 461C.2, Code 2021, is amended by adding
2 the following new subsection:

3 NEW SUBSECTION. 01. *"Bicycle"* means the same as defined in
4 section 321.1 except the device may have any number of wheels.

5 Sec. 2. Section 461C.2, subsections 3 and 5, Code 2021, are
6 amended to read as follows:

7 3. *"Land"* means private land that is one or any combination
8 of the following: abandoned or inactive surface mines;
9 caves; land used for agricultural purposes; marshlands;
10 timber; grasslands; or the privately owned roads, railroad
11 rights-of-way or crossings, paths, trails, waters, water
12 courses, exteriors and interiors of buildings, structures,
13 machinery, or equipment appurtenant thereto. *"Land"* includes
14 land that is not open to the general public. *"Land"* also
15 includes private land located in a municipality in connection
16 with and while being used for urban deer control or a
17 recreational purpose.

18 5. *"Recreational purpose"* means the following or any
19 combination thereof: hunting, trapping, horseback riding,
20 fishing, swimming, boating, camping, picnicking, jogging,
21 walking, hiking, pleasure driving, motorcycling, bicycle
22 riding, all-terrain vehicle riding, nature study, water skiing,
23 snowmobiling, other summer and winter sports, educational
24 activities, and viewing or enjoying historical, archaeological,
25 scenic, or scientific sites while going to and from or
26 actually engaged therein. *"Recreational purpose"* includes
27 the activity of accompanying another person who is engaging
28 in such activities. *"Recreational purpose"* is not limited to
29 active engagement in such activities, but includes entry onto,
30 use of, passage over, and presence on any part of the land in
31 connection with or during the course of such activities.

32 EXPLANATION

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

35 This bill relates to private land available for public use

1 for recreational purposes. The bill defines "bicycle" to mean
2 a device, regardless of the number of wheels, having at least
3 one saddle or seat for the use of a rider that is propelled
4 by human power or a device with fully operable pedals and an
5 electric motor of less than 750 watts (one horsepower), with a
6 maximum speed on a paved level surface, when powered solely by
7 such a motor while ridden, of less than 20 miles per hour. The
8 bill amends the definition of "land" to include privately owned
9 railroad rights-of-way or crossings and to include land located
10 in a municipality in connection with or while being used for
11 a recreational purpose. The bill amends the definition of
12 "recreational purpose" to include jogging, walking, and bicycle
13 riding.

14 Current law provides that a holder of land who makes the
15 land available for a public recreational purpose without charge
16 does not owe a duty of care to keep the premises safe for entry
17 or use by others for a recreational purpose or urban deer
18 control, or to give any warning of a dangerous condition, use,
19 structure, or activity on such premises to persons entering for
20 such purposes.