

House File 35 - Introduced

HOUSE FILE 35

BY INGELS

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 2023, 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 2023, 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; caves;
9 land used for agricultural purposes; marshlands; timber;
10 grasslands; or the privately owned roads, portions of a
11 railroad right-of-way or crossing incorporated into or used
12 as part of a path or trail used for recreational purposes,
13 paths, trails, waters, water courses, exteriors and interiors
14 of buildings, structures, machinery, or equipment appurtenant
15 thereto. *"Land"* includes land that is not open to the general
16 public. *"Land"* also includes private land located in a
17 municipality in connection with and while being used for urban
18 deer control.

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

33

EXPLANATION

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

1 This bill relates to private land available for public use
2 for recreational purposes. For purposes of Code chapter 461C,
3 the bill defines "bicycle" to mean a device having at least one
4 saddle or seat for the use of a rider that is propelled by human
5 power or a low-speed electric bicycle, regardless of the number
6 of wheels. The bill amends the definition of "land" to include
7 the portions of a privately owned railroad right-of-way or
8 crossing incorporated into or used as part of a path or trail
9 used for recreational purposes. The bill amends the definition
10 of "recreational purpose" to include jogging, walking, and
11 bicycle riding.

12 Code chapter 461C generally provides that a holder of land
13 who makes the land available for a public recreational purpose
14 without charge does not owe a duty of care to keep the premises
15 safe for entry or use by others for a recreational purpose
16 or urban deer control, or to give any warning of a dangerous
17 condition, use, structure, or activity on such premises to
18 persons entering for such purposes.