

# PROPOSED AMENDMENT

## HB 1414 # 6

### DIGEST

Liability. Establishes various restrictions on landowner liability to recreational users.

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1       Page 1, between the enacting clause and line 1, begin a new  
2       paragraph and insert:  
3       "SECTION 1. IC 14-22-10-2, AS AMENDED BY P.L.113-2019,  
4       SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
5       JULY 1, 2026]: Sec. 2. (a) As used in this section and section 2.5 of  
6       this chapter, "governmental entity" means any of the following:  
7               (1) The government of the United States of America.  
8               (2) The state.  
9               (3) A county.  
10               (4) A city.  
11               (5) A town.  
12               (6) A township.  
13               (7) The following, if created by the Constitution of the United  
14               States, the Constitution of the State of Indiana, a statute, an  
15               ordinance, a rule, or an order:  
16                       (A) An agency.  
17                       (B) A board.  
18                       (C) A commission.  
19                       (D) A committee.  
20                       (E) A council.  
21                       (F) A department.  
22                       (G) A district.  
23                       (H) A public body corporate and politic.  
24               (b) As used in this section and section 2.5 of this chapter, "monetary  
25               consideration" means a fee or other charge for permission to go upon  
26               a tract of land. The term does not include:  
27                       (1) the gratuitous sharing of game, fish, or other products of the  
28                       recreational use of the land;

4 (c) As used in this section and section 2.5 of this chapter, "owner"  
5 means a governmental entity or another person that:

9 a tract of land.

10 (d) A person who goes upon or through the premises, including  
11 caves, of another:

12 (1) with or without permission; and

13 (2) either:

14 (A) without the payment of monetary consideration; or

15 (B) with the payment of monetary consideration directly or  
16 indirectly on the person's behalf by an agency of the state or  
17 federal government;

18 for the purpose of swimming, camping, hiking, sightseeing, **exercising,**  
19 **cycling,** or accessing or departing from a trail, a greenway, or another  
20 similar area, or for any other purpose (other than the purposes  
21 described in section 2.5 of this chapter) **does not have an assurance that**  
22 **the premises are safe for the purpose. is subject to the limitations of**  
23 **liability granted to the owner of the premises described in**  
24 **subsection (e).**

25 (e) The owner of the premises does not

26 (1) assume responsibility; or

27 (2) incur liability;

28 for an injury to a person or property caused by an act or failure to act  
29 of other persons using the premises: **assume responsibility or incur**  
30 **liability for an injury or damage to a:**

### 31 (1) person caused by:

32 (A) an act; or

33 (B) the failure to act;

34 of another person using the premises;

35 (2) person caused by a condition on the land; or

36 (3) person's property caused by:

37 (A) the act of another person using the premises; or

39 (f) This section does not affect the following:

40 (1) Existing Indiana case law on the liability of owners or

1 possessors of premises with respect to the following:

2 (A) Business invitees in commercial establishments.

3 (B) Invited guests.

4 (1) **Business invitees in for-profit establishments.**

5 (2) The attractive nuisance doctrine.

6 (g) This section does not excuse the owner or occupant of premises  
7 from liability for injury to a person or property caused by a malicious  
8 or an illegal act of the owner or occupant.".

9 Renumber all SECTIONS consecutively.

(Reference is to HB 1414 as introduced.)