

# PROPOSED AMENDMENT

## HB 1414 # 6

### DIGEST

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

---

- 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;

- 1 (2) services rendered for the purpose of wildlife management; or
- 2 (3) contributions in kind made for the purpose of wildlife
- 3 management.
- 4 (c) As used in this section and section 2.5 of this chapter, "owner"
- 5 means a governmental entity or another person that:
- 6 (1) has a fee interest in;
- 7 (2) is a tenant, a lessee, or an occupant of; or
- 8 (3) is in control of;
- 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**
- 38 **(B) a condition on the land.**
- 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.)