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HOUSE BILL No. 1414

Proposed Changes to introduced printing by AM141406

DIGEST OF PROPOSED AMENDMENT

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

A BILL FOR AN ACT to amend the Indiana Code concerning natural and cultural resources.

Be it enacted by the General Assembly of the State of Indiana:

1 [SECTION 1. IC 14-22-10-2, AS AMENDED BY P.L.113-2019,
2 SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE
3 JULY 1, 2026]: Sec. 2. (a) As used in this section and section 2.5 of
4 this chapter, "governmental entity" means any of the following:
5 (1) The government of the United States of America.
6 (2) The state.
7 (3) A county.
8 (4) A city.
9 (5) A town.
10 (6) A township.
11 (7) The following, if created by the Constitution of the United
12 States, the Constitution of the State of Indiana, a statute, an
13 ordinance, a rule, or an order:
14 (A) An agency.
15 (B) A board.
16 (C) A commission.
17 (D) A committee.
18 (E) A council.
19 (F) A department.
20 (G) A district.
21 (H) A public body corporate and politic.

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(b) As used in this section and section 2.5 of this chapter, "monetary consideration" means a fee or other charge for permission to go upon a tract of land. The term does not include:

- (1) the gratuitous sharing of game, fish, or other products of the recreational use of the land;
- (2) services rendered for the purpose of wildlife management; or
- (3) contributions in kind made for the purpose of wildlife management.

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

- (1) has a fee interest in;
- (2) is a tenant, a lessee, or an occupant of; or
- (3) is in control of;

a tract of land.

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

(1) with or without permission; and

(2) either:

- (A) without the payment of monetary consideration; or
- (B) with the payment of monetary consideration directly or
indirectly on the person's behalf by an agency of the state or
federal government;

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

(e) The owner of the premises does not

(1) assume responsibility; or

(2) incur liability;

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

(1) person caused by:

(A) an act; or

(B) the failure to act;

of another person using the premises;

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

(3) person's property caused by:

(A) the act of another person



(B) a condition on the land.

(f) This section does not affect the following:

(+) Existing Indiana case law on the liability of owners or possessors of premises with respect to the following:-

(A) Business invitees in commercial establishments:

(B) Invited guests.

(1) Business invitees in for-profit establishments.

(2) The attractive nuisance doctrine.

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

1 SECTION ~~2~~2. IC 14-23-1-1 IS AMENDED TO READ AS
FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 1. The department shall
do the following:

(1) Have the care, custody, and control of the forest land owned by the state, exclusive of state parks.

(2) Adopt necessary rules to properly enforce this chapter.

(3) Establish, operate, and maintain nurseries for the production of trees to be used in reforestation. The trees may be:

(A) used to reforest land owned by the state;

(B) supplied to owners of private land at a price not exceeding cost of production; or

(C) used for planting on public roads or land under the terms that are considered by the department to be for the public benefit.

(4) Prepare, print, post, or distribute printed matter relating to forestry.

(5) Make investigations or experiments with regard to forestry questions.

(6) Subject to the approval of the governor, purchase land and forests. For the purpose of acquiring land and forests, the commission may exercise the right of eminent domain in the manner provided in IC 14-17-3.

(7) Receive and accept, in the name of the people of Indiana, by gift or devise, the fee or other estate in land or forests.

(8) Examine the forest land owned by the state or by a state institution for the purpose of advising and cooperating in securing proper forest management of the land.

(9) Employ, with approval of the authorities having control of the state penal institutions, convicts committed to a penal institution for the purpose of producing or planting trees, building roads, or doing other work in the forests and in clearing,

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draining, or developing land purchased or acquired by the state for forestry purposes.

(10) Propagate trees and shrubs for state institutions or for planting along highways. A common carrier may transport trees or shrubs grown by the state at a rate less than the established tariff to and from points within Indiana.

10 (12) Examine private forest land:

11 (A) upon request of; and

12 (B) at the expense of;

13 the owner for the purpose of advising the owner on the proper
14 methods of forest management.

22 **(16) Ensure at all times that ten percent (10%) of state forest**
23 **acreage consists of forests that are twenty (20) years or**
24 **younger.**

25 SECTION ~~22~~3. IC 14-23-3-5 IS AMENDED TO READ AS
26 FOLLOWING [EFFECTIVE JULY 1, 2026]: Sec. 5. **(a)** All income
27 derived from:

28 (1) the sale of state forest land; or

29 (2) the sale of products of from state forest land; or

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