

# PROPOSED AMENDMENT

## SB 224 # 6

### DIGEST

Liability. Establishes various restrictions on landowner liability to recreational users. Provides that various restrictions on landowner liability do not apply to a parcel of land assessed as residential land.

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- 1           Page 24, between lines 16 and 17, begin a new paragraph and insert:  
2           "SECTION 54. IC 14-22-10-2, AS AMENDED BY P.L.113-2019,  
3           SECTION 1, IS AMENDED TO READ AS FOLLOWS [EFFECTIVE  
4           JULY 1, 2026]: Sec. 2. (a) As used in this section and section 2.5 of  
5           this chapter, "governmental entity" means any of the following:  
6               (1) The government of the United States of America.  
7               (2) The state.  
8               (3) A county.  
9               (4) A city.  
10              (5) A town.  
11              (6) A township.  
12              (7) The following, if created by the Constitution of the United  
13              States, the Constitution of the State of Indiana, a statute, an  
14              ordinance, a rule, or an order:  
15                  (A) An agency.  
16                  (B) A board.  
17                  (C) A commission.  
18                  (D) A committee.  
19                  (E) A council.  
20                  (F) A department.  
21                  (G) A district.  
22                  (H) A public body corporate and politic.  
23           (b) As used in this section and section 2.5 of this chapter, "monetary  
24           consideration" means a fee or other charge for permission to go upon  
25           a tract of land. The term does not include:  
26               (1) the gratuitous sharing of game, fish, or other products of the  
27               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~~

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.

**(h) This section does not apply to a parcel of land assessed as residential land.**

SECTION 55. IC 14-22-10-2.5 IS AMENDED TO READ AS FOLLOWS [EFFECTIVE JULY 1, 2026]: Sec. 2.5. (a) 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 hunting, fishing, trapping, or preparing to hunt, fish, or trap, does not have an assurance that the premises are safe for that purpose.

(b) 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.

(c) This section does not affect Indiana case law on the liability of owners or possessors of premises with respect to the following:

(1) Business invitees in commercial establishments.

(2) The attractive nuisance doctrine.

(d) 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.

**(e) This section does not apply to a parcel of land assessed as residential land."**

Renumber all SECTIONS consecutively.

(Reference is to SB 224 as introduced.)