

PROPOSED AMENDMENT

SB 224 # 1

DIGEST

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

- 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;
28 (2) services rendered for the purpose of wildlife management; or

1 (3) contributions in kind made for the purpose of wildlife
2 management.

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

5 (1) has a fee interest in;

6 (2) is a tenant, a lessee, or an occupant of; or

7 (3) is in control of;

8 a tract of land.

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

11 (1) with or without permission; and

12 (2) either:

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

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

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

24 (e) The owner of the premises does not

25 ~~(1) assume responsibility; or~~

26 ~~(2) incur liability;~~

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

30 (1) person caused by:

31 (A) an act; or

32 (B) the failure to act;

33 of another person using the premises;

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

35 (3) person's property caused by:

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

37 (B) a condition on the land.

38 (f) This section does not affect ~~the following:~~

39 ~~(1) Existing Indiana case law on the liability of owners or~~
40 ~~possessors of premises with respect to the following:~~

- 1 ~~(A) Business invitees in commercial establishments.~~
- 2 ~~(B) Invited guests.~~
- 3 ~~(2)~~ the attractive nuisance doctrine.
- 4 (g) This section does not excuse the owner or occupant of premises
- 5 from liability for injury to a person or property caused by a malicious
- 6 or an illegal act of the owner or occupant."
- 7 Renumber all SECTIONS consecutively.
 (Reference is to SB 224 as introduced.)