

CHAPTER 162  
SB 108 – FINAL VERSION

03/28/13 1098s  
24Apr2013... 1289h

2013 SESSION

13-0955  
05/01

SENATE BILL **108**

AN ACT relative to the liability of landowners who permit use of their land for recreational activities.

SPONSORS: Sen. Sanborn, Dist 9; Sen. Woodburn, Dist 1; Sen. Bradley, Dist 3; Rep. Chandler, Carr 1

COMMITTEE: Judiciary

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AMENDED ANALYSIS

This bill provides that, with limited exceptions, landowners who permit the use of their land for outdoor recreational activity owe no duty of care to individuals engaged in the construction, maintenance, or expansion of trails or ancillary facilities for such activity.

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Explanation: Matter added to current law appears in **bold italics**.  
Matter removed from current law appears [~~in brackets and struck through~~].  
Matter which is either (a) all new or (b) repealed and reenacted appears in regular type.

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STATE OF NEW HAMPSHIRE

*In the Year of Our Lord Two Thousand Thirteen*

AN ACT                    relative to the liability of landowners who permit use of their land for recreational activities.

*Be it Enacted by the Senate and House of Representatives in General Court convened:*

1            162:1 New Subparagraph; Ancillary Facilities. Amend RSA 212:34, I by inserting after  
2 subparagraph (d) the following new subparagraph:

3                    (e) “Ancillary facilities” means facilities commonly associated with outdoor recreational  
4 activities, including but not limited to, parking lots, warming shelters, restrooms, outhouses,  
5 bridges, and culverts.

6            162:2 New Paragraph; Landowner Liability; Duty of Care. Amend RSA 212:34 by inserting  
7 after paragraph II the following new paragraph:

8                    II-a. Except as provided in paragraph V, a landowner who permits the use of his or her land  
9 for outdoor recreational activity pursuant to this section and who does not charge a fee or seek any  
10 other consideration in exchange for allowing such use, owes no duty of care to persons on the  
11 premises who are engaged in the construction, maintenance, or expansion of trails or ancillary  
12 facilities for outdoor recreational activity.

13            162:3 Landowner Liability; Duty of Care. Amend RSA 212:34, VI to read as follows:

14                    VI. Except as provided in paragraph V, no cause of action shall exist for a person injured  
15 using the premises as provided in paragraph II, ***engaged in the construction, maintenance, or***  
16 ***expansion of trails or ancillary facilities as provided in paragraph II-a***, or given permission  
17 as provided in paragraph III.

18            162:4 Effective Date. This act shall take effect January 1, 2014.

19 Approved: June 28, 2013

20 Effective Date: January 1, 2014