



93RD GENERAL ASSEMBLY
State of Illinois
2003 and 2004

Introduced 2/5/2004, by Bill Brady

SYNOPSIS AS INTRODUCED:

745 ILCS 65/1	from Ch. 70, par. 31
745 ILCS 65/2	from Ch. 70, par. 32
745 ILCS 65/3.5 new	

Amends the Recreational Use of Land and Water Areas Act. Provides that the purpose of the Act is to encourage owners of land to make land and water areas available to any person whether invited or uninvited (instead of the public) for recreational or conservation purposes by limiting their liability toward persons entering thereon for such purposes. Changes the definition of "land". Defines "artificial addition". Provides that, for any artificial addition, an owner of land owes a duty of care to keep the premises safe and properly maintained for entry or use by any person for recreational or conservation purposes. Provides that an owner of land must give warning of any natural or artificial dangerous condition, use, or activity concerning the artificial addition on the premises to persons entering for recreational and conservation purposes. Provides that an owner of land is not liable for any misuse of the artificial addition by the person entering the land.

LRB093 18575 LCB 44297 b

1 AN ACT concerning civil liabilities.

2 **Be it enacted by the People of the State of Illinois,**
3 **represented in the General Assembly:**

4 Section 5. The Recreational Use of Land and Water Areas Act
5 is amended by changing Sections 1 and 2 and by adding Section
6 3.5 as follows:

7 (745 ILCS 65/1) (from Ch. 70, par. 31)

8 Sec. 1. This Act shall be known and may be cited as the
9 "Recreational Use of Land and Water Areas Act".

10 The purpose of this Act is to encourage owners of land to
11 make land and water areas available to any person whether
12 invited or uninvited ~~the public~~ for recreational or
13 conservation purposes by limiting their liability toward
14 persons entering thereon for such purposes.

15 (Source: P.A. 85-959.)

16 (745 ILCS 65/2) (from Ch. 70, par. 32)

17 Sec. 2. As used in this Act, unless the context otherwise
18 requires:

19 (a) "Land" includes roads, water, watercourses, private
20 ways and other naturally occurring landscape. ~~and buildings,~~
21 ~~structures, and machinery or equipment when attached to the~~
22 ~~realty.~~

23 (b) "Owner" includes the possessor of any interest in land,
24 whether it be a tenant, lessee, occupant, the State of Illinois
25 and its political subdivisions, or person in control of the
26 premises.

27 (c) "Recreational or conservation purpose" means any
28 activity undertaken for conservation, resource management,
29 exercise, education, relaxation, or pleasure on land owned by
30 another.

31 (d) "Charge" means an admission fee for permission to go

1 upon the land, but does not include: the sharing of game, fish
2 or other products of recreational use; or benefits to or
3 arising from the recreational use; or contributions in kind,
4 services or cash made for the purpose of properly conserving
5 the land.

6 (d-5) "Artificial addition" includes any building
7 structure, machinery, equipment, or other man-made addition to
8 the land.

9 (e) "Person" includes any person, regardless of age,
10 maturity, or experience, who enters upon or uses land for
11 recreational purposes.

12 (Source: P.A. 85-959.)

13 (745 ILCS 65/3.5 new)

14 Sec. 3.5. For any artificial addition, an owner of land
15 owes a duty of care to keep the premises safe and properly
16 maintained for entry or use by any person for recreational or
17 conservation purposes. An owner of land must give warning of a
18 natural or artificial dangerous condition, use, or activity
19 concerning the artificial addition on the premises to persons
20 entering for recreational and conservation purposes. An owner
21 of land is not liable for any misuse of the artificial addition
22 by the person entering the land.