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H.132

Introduced by Representatives Stevens of Waterbury and Rachelson of

Burlington

Referred to Committee on

Date:

Subject: Court procedure; limitation on landowner liability; swimming holes;

posting

Statement of purpose of bill as introduced: This bill proposes to provide a landowner with immunity from liability for posting a sign warning about the dangers of swimming in a swimming hole on the landowner's property.

An act relating to limiting landowner liability for posting the dangers of swimming holes

It is hereby enacted by the General Assembly of the State of Vermont:

~~Sec. 1. 12 V.S.A. § 5793 is amended to read:~~

§ 5793. LIABILITY LIMITED

(a) Land. An owner shall not be liable for property damage or personal injury sustained by a person who, without consideration, enters or goes upon the owner's land for a recreational use unless the damage or injury is the result of the willful or wanton misconduct of the owner.

~~(b) Equipment, fixtures, machinery, or personal property.~~

1 ~~(1) Unless the damage or injury is the result of the willful or wanton~~
2 ~~misconduct of the owner, an owner shall not be liable for property damage or~~
3 ~~personal injury sustained by a person who, without consideration and without~~
4 ~~actual permission of the owner, enters or goes upon the owner's land for a~~
5 ~~recreational use and proceeds to enter upon or use:~~

6 ~~(A) equipment, machinery, or personal property; or~~

7 ~~(B) structures or fixtures not described in subdivision 5792(2)(A)(iii)~~
8 ~~or (iv) of this title.~~

9 ~~(2) Permission to enter or go upon an owner's land shall not, by itself,~~
10 ~~include permission to enter or go upon structures or to go upon or use~~
11 ~~equipment, fixtures, machinery, or personal property.~~

12 ~~(c) Posting of swimming holes. An owner may post a sign warning against~~
13 ~~the dangers of swimming in a swimming hole on the owner's land. An owner~~
14 ~~who posts a sign pursuant to this subsection shall not be liable for any damage~~
15 ~~or injury allegedly arising out of the posting.~~

16 Sec. 2. EFFECTIVE DATE

17 ~~This act shall take effect on passage.~~

Sec. 1. 12 V.S.A. § 5793 is amended to read:

§ 5793. LIABILITY LIMITED

(a) Land. An owner shall not be liable for property damage or personal injury sustained by a person who, without consideration, enters or goes upon

the owner's land for a recreational use unless the damage or injury is the result of the willful or wanton misconduct of the owner:

(b) Equipment, fixtures, machinery, or personal property.

(1) Unless the damage or injury is the result of the willful or wanton misconduct of the owner, an owner shall not be liable for property damage or personal injury sustained by a person who, without consideration and without actual permission of the owner, enters or goes upon the owner's land for a recreational use and proceeds to enter upon or use:

(A) equipment, machinery, or personal property; or

(B) structures or fixtures not described in subdivision 5792(2)(A)(iii) or (iv) of this title.

(2) Permission to enter or go upon an owner's land shall not, by itself, include permission to enter or go upon structures or to go upon or use equipment, fixtures, machinery, or personal property.

(c) Posting. An owner may post a sign warning against dangers on the owner's land or water. An owner who posts a sign pursuant to this subsection shall not be liable for any damage or injury allegedly arising out of the posting unless the damage or injury is the result of the willful or wanton misconduct of the owner.

Sec. 2. EFFECTIVE DATE

This act shall take effect on passage.