

1 H.132

2 Introduced by Representatives Stevens of Waterbury and Rachelson of

3 Burlington

4 Referred to Committee on

5 Date:

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

7 posting

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

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

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

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

15 § 5793. LIABILITY LIMITED

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

20 (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.