

1 TO THE HONORABLE SENATE:

2 The Committee on Judiciary to which was referred House Bill No. 132
3 entitled “An act relating to limiting landowner liability for posting the dangers
4 of swimming holes” respectfully reports that it has considered the same and
5 recommends that the Senate propose to the House that the bill be amended by
6 striking out all after the enacting clause and inserting in lieu thereof the
7 following:

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

9 § 5793. LIABILITY LIMITED

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

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

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

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

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

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

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

12 Sec. 2. EFFECTIVE DATE

13 This act shall take effect on passage.

14

15 and that after passage the title of the bill be amended to read: “An act relating
16 to school safety”

17 (Committee vote: _____)

18

19

Senator _____

20

FOR THE COMMITTEE