

1 HB287  
2 173573-1  
3 By Representatives Sells, McMillan, Shiver, Ingram, Polizos,  
4 Johnson (K) and Henry  
5 RFD: Public Safety and Homeland Security  
6 First Read: 24-FEB-16

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8 SYNOPSIS: Owners of outdoor recreational land have  
9 limited liability for allowing noncommercial open  
10 recreational use of the land.

11 This bill would further define the term  
12 "aerial sports" within the term "recreational use  
13 or recreational purpose" of outdoor recreational  
14 land.

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16 A BILL  
17 TO BE ENTITLED  
18 AN ACT

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20 To amend Section 35-15-21, Code of Alabama 1975,  
21 relating to the definition of "recreational use or  
22 recreational purpose" for purposes of limiting liability for  
23 landowners allowing public recreational use of land; to  
24 further define aerial sports as it relates to recreational use  
25 or recreational purpose.

26 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

1           Section 1. Section 35-15-21, Code of Alabama 1975,  
2 is amended to read as follows:

3           "§35-15-21.

4           "Unless the context thereof clearly indicates to the  
5 contrary, as used in this article the following terms shall  
6 have the following meanings:

7           "(1) OWNER. Any public or private organization of  
8 any character, including a partnership, corporation,  
9 association, any individual, or any federal, State or local  
10 political subdivision or any agency of any of the foregoing  
11 having a legal right of possession of outdoor recreational  
12 land. For the purpose of this article, an employee or agent of  
13 the owner, but not an independent contractor while conducting  
14 activities upon the outdoor recreational land, is deemed to be  
15 an owner.

16           "(2) OUTDOOR RECREATIONAL LAND. Land and water, as  
17 well as buildings, structures, machinery and other such  
18 appurtenances used for or susceptible of recreational use.

19           "(3) RECREATIONAL USE or RECREATIONAL PURPOSE.  
20 Participation in or viewing of activities including, but not  
21 limited to, hunting, fishing, water sports, aerial sports  
22 which shall include, but not limited to, aviation activities,  
23 hiking, camping, picnicking, winter sports, animal or  
24 vehicular riding, or visiting, viewing or enjoying historical,  
25 archeological, scenic or scientific sites, and any related  
26 activity.

1                   "(4) PERSON. Any individual, regardless of age,  
2 maturity, or experience.

3                   "(5) COMMERCIAL RECREATIONAL USE. Any use of land  
4 for the purpose of receiving consideration for opening such  
5 land to recreational use where such use or activity is  
6 profit-motivated. Consideration does not include any benefits  
7 provided by law in accordance with this article, any other  
8 state or federal law, or in the form of good will for  
9 permitting recreational use as stated in this article; nor  
10 does consideration include a charge by the landowner for  
11 maintenance fees where the primary use of the land is for  
12 other than public recreational purposes."

13                   Section 2. This act shall become effective  
14 immediately following its passage and approval by the  
15 Governor, or its otherwise becoming law.