

THE GENERAL ASSEMBLY OF PENNSYLVANIA

HOUSE BILL

No. 2724 Session of  
2020

INTRODUCED BY OBERLANDER AND BROOKS, AUGUST 6, 2020

REFERRED TO COMMITTEE ON TOURISM AND RECREATIONAL DEVELOPMENT,  
AUGUST 6, 2020

AN ACT

1 Amending the act of February 2, 1966 (1965 P.L.1860, No.586),  
2 entitled "An act encouraging landowners to make land and  
3 water areas available to the public for recreational purposes  
4 by limiting liability in connection therewith, and repealing  
5 certain acts," further providing for definitions; and  
6 providing for recreational user's claim for property rights  
7 and for the substitution of the Department of Conservation  
8 and Natural Resources for a party in litigation.

9 The General Assembly of the Commonwealth of Pennsylvania

10 hereby enacts as follows:

11 Section 1. Section 2 of the act of February 2, 1966 (1965  
12 P.L.1860, No.586), entitled "An act encouraging landowners to  
13 make land and water areas available to the public for  
14 recreational purposes by limiting liability in connection  
15 therewith, and repealing certain acts," is amended by adding  
16 definitions to read:

17 Section 2. As used in this act:

18 \* \* \*

19 (6) "Local agency" means a "local agency" as defined in 2  
20 Pa.C.S. § 101 (relating to definitions).

21 (7) "Public entity" means the Commonwealth, a Commonwealth

1 agency, a political subdivision or a local agency.

2 Section 2. The act is amended by adding a section to read:

3 Section 7.1. A person or entity, other than a public entity,  
4 may not make a claim for a prescriptive easement for the benefit  
5 of the public.

6 Section 3. The addition of the definitions of "local agency"  
7 and "public entity" in section 2 of the act and section 7.1 of  
8 the act shall apply retroactively to a claim which arose within  
9 21 years of the effective date of this section.

10 Section 4. The Department of Conservation and Natural  
11 Resources shall be substituted for the person or entity, other  
12 than a public entity, making a claim for a prescriptive easement  
13 for the benefit of the public in any litigation pending on or  
14 after the effective date of this section.

15 Section 5. This act shall take effect immediately.