



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB4524

Introduced 1/31/2012, by Rep. Dwight Kay

#### SYNOPSIS AS INTRODUCED:

745 ILCS 65/2  
745 ILCS 65/6

from Ch. 70, par. 32  
from Ch. 70, par. 36

Amends the Recreational Use of Land and Water Areas Act. Provides that the definition of "land", excludes a dwelling on the property immediately adjacent to and surrounding such dwelling that is primarily used for activities associated with the occupancy of the dwelling as a living space (instead of excluding residential buildings or residential property). In the definition of "recreational or conservation purpose": adds "any recreational pursuit or activity engaged in for the purpose of exercise, relaxation, sport, pleasure, or education"; and deletes "any activity solely related to hunting or recreational shooting". Adds to the definition of "charge" a nominal fee requested by the owner for the purpose of defraying the cost of maintaining the land. Provides that the Act does not limit any liability which otherwise exists for an injury on the land if the owner requests a nominal fee for purposes of maintaining the land. Makes other changes.

LRB097 17791 AJO 63007 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Recreational Use of Land and Water Areas Act  
5 is amended by changing Sections 2 and 6 as follows:

6 (745 ILCS 65/2) (from Ch. 70, par. 32)

7 Sec. 2. As used in this Act, unless the context otherwise  
8 requires:

9 (a) "Land" includes land, roads, water, watercourses,  
10 private ways and buildings, structures, and machinery or  
11 equipment when attached to the realty, but does not include a  
12 dwelling and the property immediately adjacent to and  
13 surrounding such dwelling that is used primarily for activities  
14 associated with the occupancy of the dwelling as a living space  
15 ~~residential buildings or residential property.~~

16 (b) "Owner" includes the possessor of any direct, indirect,  
17 or beneficial interest in land, whether it be as owner, a  
18 tenant, lessee, occupant, the State of Illinois and its  
19 political subdivisions, or person or entity in control of the  
20 premises.

21 (c) "Recreational or conservation purpose" means entry  
22 onto the land of another to conduct hunting or recreational  
23 shooting or a combination thereof, or for any recreational

1 pursuit or activity engaged in for the purpose of exercise,  
2 sport, relaxation, pleasure, or education ~~or any activity~~  
3 ~~solely related to the aforesaid hunting or recreational~~  
4 ~~shooting.~~

5 (d) "Charge" means an admission fee designed to return a  
6 profit for permission to go upon the land, but does not  
7 include: the sharing of game, fish, vegetation, crops, or other  
8 products of recreational use; or benefits to or arising from  
9 the recreational use; or contributions in kind, services or  
10 cash made for the purpose of properly conserving or maintaining  
11 the land; or a nominal fee requested by the owner for the  
12 purpose of defraying the cost of maintaining the land.

13 (e) "Person" includes any person, regardless of age,  
14 maturity, or experience, who enters upon or uses land for  
15 recreational or conservation purposes.

16 (Source: P.A. 94-625, eff. 8-18-05.)

17 (745 ILCS 65/6) (from Ch. 70, par. 36)

18 Sec. 6. Nothing in this Act limits in any way any liability  
19 which otherwise exists:

20 (a) For willful and wanton failure to guard or warn against  
21 a dangerous condition, use, structure, or activity, excepting  
22 therefrom liability based upon conditions, features, or  
23 properties naturally occurring on the land.

24 (b) For injury suffered in any case where (i) the owner of  
25 land charges the person or persons who enter or go on the land

1 for the recreational use thereof, except that in the case of  
2 land leased to the State or a subdivision thereof, any  
3 consideration received by the owner for such lease is not a  
4 charge within the meaning of this Section, or (ii) the owner  
5 requests a nominal fee for purposes of maintaining the land.

6 (Source: P.A. 85-959.)