



97TH GENERAL ASSEMBLY

State of Illinois

2011 and 2012

HB5832

Introduced 2/16/2012, by Rep. Paul Evans

SYNOPSIS AS INTRODUCED:

745 ILCS 65/1	from Ch. 70, par. 31
745 ILCS 65/2	from Ch. 70, par. 32
745 ILCS 65/7.5 new	

Amends the Recreational Use of Land and Water Areas Act. Provides that an owner that is a not-for-profit organization operating and remaining in good standing under Section 501(c)(3) of the Internal Revenue Code which makes its land (except for residential buildings) available for entry by the general public for any activity undertaken for conservation, resource management, education, or outdoor recreational use may register with the Illinois Department of Natural Resources in order that the owner may qualify for limited liability under this Act for the land used in that manner. Provides that the Department shall create a registration page on its website to collect the following information from any 501(c)(3) entity that wishes to register its property: (i) the name and address of the owner; (ii) the 501(c)(3) organization's tax identification number; (iii) the size, address, and property identification number of the property, and (iv) the county in which the property is located. Provides that a parcel of property is deemed registered once the information is submitted to the Department. Provides that once the property is registered, the 501(c)(3) owner qualifies for the Act's limited liability until either (i) the owner notifies the Department to remove the property from the list or (ii) the owner no longer has a possessory interest in the property. Makes changes to the definitions of "land", "owner", and "recreational or conservation purpose". Provides that the changes to the Act apply only to causes of action accruing on or after January 1, 2013. Makes other changes. Effective immediately.

LRB097 17775 AJO 62990 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 1 and 2 and by adding Section
6 7.5 as follows:

7 (745 ILCS 65/1) (from Ch. 70, par. 31)

8 Sec. 1. This Act shall be known and may be cited as the
9 "Recreational Use of Land and Water Areas Act".

10 The purpose of this Act is to encourage owners of land to
11 make land and water areas available ~~to any individual or~~
12 ~~members of the public~~ for recreational or conservation
13 purposes, as set forth in subsection (c) of Section 2 of this
14 Act, by limiting their liability toward persons entering
15 thereon for such purposes.

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

17 (745 ILCS 65/2) (from Ch. 70, par. 32)

18 Sec. 2. As used in this Act, unless the context otherwise
19 requires:

20 (a) "Land" includes land, roads, water, watercourses,
21 private ways and buildings, structures, and machinery or
22 equipment ~~when~~ attached to the realty. Land used for a

1 recreational or conservation purpose, as set forth in paragraph
2 (1) of subsection (c) of this Section, ~~but~~ does not include
3 residential buildings or residential property. Land used for a
4 recreational or conservation purpose, as set forth in paragraph
5 (2) of subsection (c) of this Section does not include
6 residential buildings.

7 (b) "Owner" includes the possessor of any interest in land,
8 whether it be a tenant, lessee, occupant, the State of Illinois
9 and its political subdivisions, a ~~or~~ person, or an entity in
10 control of the premises.

11 (c) "Recreational or conservation purpose" means:

12 (1) entry by individuals or members of the public onto
13 the land of another to conduct hunting or recreational
14 shooting or a combination thereof or any activity solely
15 related to the aforesaid hunting or recreational shooting;
16 or

17 (2) entry by the general public onto the land of
18 another that is registered under Section 7.5 for any
19 activity undertaken for conservation, resource management,
20 education, or outdoor recreational use.

21 (d) "Charge" means an admission fee for permission to go
22 upon the land, but does not include: the sharing of game, fish
23 or other products of recreational use; or benefits to or
24 arising from the recreational use; or contributions in kind,
25 services or cash made for the purpose of properly conserving
26 the land.

1 (e) "Person" includes any person, regardless of age,
2 maturity, or experience, who enters upon or uses land for
3 recreational purposes.

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

5 (745 ILCS 65/7.5 new)

6 Sec. 7.5. Registration of land.

7 (a) Only an owner that is a not-for-profit organization
8 operating and remaining in good standing under Section
9 501(c)(3) of the Internal Revenue Code of 1986, as now or
10 hereafter amended, may:

11 (1) make its land available for recreational or
12 conservation purposes under paragraph (2) of subsection
13 (c) of Section 2;

14 (2) register with the Illinois Department of Natural
15 Resources;

16 (3) be eligible for the limited liability under this
17 Act for land made available for recreational or
18 conservation purposes under paragraph (2) of subsection
19 (c) of Section 2.

20 (b) The Department shall create a registration page on its
21 website to collect the following information:

22 (1) the name and address of the owner;

23 (2) any identifying number or designation given to the
24 Section 501(c)(3) owner by the Internal Revenue Service;

25 (3) the size, address if available, and the property

1 identification number (PIN) of the property being
2 registered; and

3 (4) each county in which any part of the property is
4 located.

5 (c) Registration may also be made by sending a written
6 application with the information required in subsection (b) by
7 certified mail to the Department. A parcel of property is
8 deemed registered once the information is submitted to the
9 Department by the owner or the owner's agent. The Department
10 shall provide an owner with a certificate of registration.

11 (d) When registered, a 501(c)(3) owner qualifies for the
12 limitation on liability under this Act for land made available
13 for recreational or conservation purposes under paragraph (2)
14 of subsection (c) of Section 2 and continues to be so qualified
15 for a parcel of property on the list until either:

16 (1) the owner notifies the Department to remove the
17 property from the list of properties registered under this
18 Act; or

19 (2) the owner no longer has a possessory interest in
20 the property.

21 Section 98. Applicability. The changes made by this
22 amendatory Act of the 97th General Assembly apply only to
23 causes of action accruing on or after January 1, 2013.

24 Section 99. Effective date. This Act takes effect upon
25 becoming law.