



Rep. Ann Williams

Filed: 5/22/2013

09800SB1042ham001

LRB098 05337 JLS 45393 a

1 AMENDMENT TO SENATE BILL 1042

2 AMENDMENT NO. \_\_\_\_\_. Amend Senate Bill 1042 by replacing  
3 everything after the enacting clause with the following:

4 "Section 5. The Recreational Use of Land and Water Areas  
5 Act is amended by changing Sections 2, 4, 6, and 7 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 roads, land, water, watercourses,  
10 private ways and buildings, structures, and machinery or  
11 equipment when attached to the realty, but does not include  
12 residential buildings or residential property.

13 (b) "Owner" includes the possessor of any interest in  
14 land, whether it be a tenant, lessee, occupant, the State  
15 of Illinois and its political subdivisions, or person in  
16 control of the premises.

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

2 (1) entry onto the land of another to conduct  
3 hunting or recreational shooting or a combination  
4 thereof or any activity solely related to the aforesaid  
5 hunting or recreational shooting; or

6 (2) entry by the general public onto the land of  
7 another for any activity undertaken for conservation,  
8 resource management, educational, or outdoor  
9 recreational use.

10 (d) "Charge" means an admission fee for permission to  
11 go upon the land, but does not include: the sharing of  
12 game, fish or other products of recreational use; or  
13 benefits to or arising from the recreational use; or  
14 contributions in kind, services or cash made for the  
15 purpose of properly conserving the land.

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

19 (f) "Invites", for the purposes of this Act, means the  
20 words or conduct of the owner would lead a reasonable  
21 person to believe that the owner desires the particular  
22 person to enter the land to the exclusion of the general  
23 public. No economic interest on the part of the owner is  
24 required.

25 (g) "Permits", for the purposes of this Act, means the  
26 words or conduct of the owner would lead a reasonable

1 person to believe that the owner is willing to allow the  
2 general public to enter the land. The words or conduct of  
3 the owner inviting (i) the general public to enter the land  
4 or (ii) particular persons to enter the land for a  
5 recreational or conservation purpose as defined in  
6 paragraph (1) of subsection (c) of this Section shall be  
7 construed as "permits" for purposes of this Act.

8 The changes to this Section made by this amendatory Act of  
9 the 98th General Assembly apply only to causes of action  
10 accruing on or after the effective date of this amendatory Act  
11 of the 98th General Assembly.

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

13 (745 ILCS 65/4) (from Ch. 70, par. 34)

14 Sec. 4. Except as specifically recognized by or provided in  
15 Section 6 of this Act, an owner of land who ~~either directly or~~  
16 ~~indirectly invites or~~ permits without charge any person to use  
17 such property for recreational or conservation purposes does  
18 not thereby:

19 (a) Extend any assurance that the premises are safe for  
20 any purpose.

21 (b) (Blank). ~~Confer upon such person the legal status~~  
22 ~~of an invitee or licensee to whom a duty of care is owed.~~

23 (c) Assume responsibility for or incur liability for  
24 any injury to person or property caused by an act or  
25 omission of such person or any other person who enters upon

1 the land.

2 (d) Assume responsibility for or incur liability for  
3 any injury to such person or property caused by any natural  
4 or artificial condition, structure or personal property on  
5 the premises.

6 The changes to this Section made by this amendatory Act of  
7 the 98th General Assembly apply only to causes of action  
8 accruing on or after the effective date of this amendatory Act  
9 of the 98th General Assembly.

10 (Source: P.A. 86-414.)

11 (745 ILCS 65/6) (from Ch. 70, par. 36)

12 Sec. 6. Nothing in this Act limits in any way any liability  
13 which otherwise exists:

14 (a) For willful and wanton failure to guard or warn  
15 against a dangerous condition, use, structure, or  
16 activity.

17 (b) For injury suffered in any case where the owner of  
18 land invites, as defined in subsection (f) of Section 2 of  
19 this Act, or charges the person or persons who enter or go  
20 on the land for the recreational use thereof, ~~except that~~  
21 ~~in the case of land leased to the State or a subdivision~~  
22 ~~thereof, any consideration received by the owner for such~~  
23 ~~lease is not a charge within the meaning of this Section.~~

24 The changes to this Section made by this amendatory Act of  
25 the 98th General Assembly apply only to causes of action

1 accruing on or after the effective date of this amendatory Act  
2 of the 98th General Assembly.

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

4 (745 ILCS 65/7) (from Ch. 70, par. 37)

5 Sec. 7. Nothing in this Act shall be construed to:

6 (a) (Blank). ~~Create a duty of care or ground of liability~~  
7 ~~for injury to persons or property.~~

8 (b) Relieve any person using the land of another for  
9 recreational purposes from any obligation which he may have in  
10 the absence of this Act to exercise care in his use of such  
11 land and in his activities thereon, or from the legal  
12 consequences of failure to employ such care.

13 The changes to this Section made by this amendatory Act of  
14 the 98th General Assembly apply only to causes of action  
15 accruing on or after the effective date of this amendatory Act  
16 of the 98th General Assembly.

17 (Source: Laws 1965, p. 2263.)

18 Section 99. Effective date. This Act takes effect January  
19 1, 2014."