



Sen. Don Harmon

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09800SB1042sam002

LRB098 05337 HEP 44292 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, holder of a
15 conservation easement, the State of Illinois and its
16 political subdivisions, or person in control of the

1 premises.

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

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

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

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

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

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

26 (g) "Permits", for the purposes of this Act, means the

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

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

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

14 (745 ILCS 65/4) (from Ch. 70, par. 34)

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

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

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

24 (c) Assume responsibility for or incur liability for
25 any injury to person or property caused by an act or

1 omission of such person or any other person who enters upon
2 the land.

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

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

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

12 (745 ILCS 65/6) (from Ch. 70, par. 36)

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

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

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

25 The changes to this Section made by this amendatory Act of

1 the 98th General Assembly apply only to causes of action
2 accruing on or after the effective date of this amendatory Act
3 of the 98th General Assembly.

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

5 Section 99. Effective date. This Act takes effect upon
6 becoming law.".