

Pennsylvania Statute 68 P.S. § 477

Recreational Use of Land and Water

1965 P.L. 1860, No. 586, effective February 2, 1966

Amended March 26, 1992

Amended June 30, 2007

Encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts.

The General Assembly of the Commonwealth of Pennsylvania hereby enacts as follows:

Section 1. The purpose of this act is to encourage owners of land to make land and water areas available to the public for recreational purposes by limiting their liability [1].

Section 2. As used in this act:

(1) **"Land"** means land, roads, water, watercourses, private ways and buildings, structures and machinery or equipment when attached to the realty.

(2) **"Owner"** means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.

(3) **"Recreational purpose"** includes, but is not limited to, any of the following, or any combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, water sports, cave exploration [2], and viewing or enjoying historical, archaeological, scenic, or scientific sites.

(4) **"Charge"** means the admission price or fee asked in return for invitation or permission to enter or go upon the land.

Section 3. Except as specifically recognized or provided in section 6 of this act, an owner of land owes no duty of care to keep the premises safe for entry or use by others for recreational purposes, or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes.

Section 4. Except as specifically recognized by or provided in section 6 of this act, an owner of land who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes does not thereby:

(1) Extend any assurance that the premises are safe for any purpose.

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

(3) Assume responsibility for or incur liability for any injury to persons or property caused by an act of omission of such persons.

(4) Assume responsibility for or incur liability for any injury to persons or property, wherever such persons or property are located, caused while hunting as defined in 34 PA.C.S. § 102 (relating to definitions). [3]

Section 5. Unless otherwise agreed in writing, the provisions of sections 3 and 4 of this act shall be deemed applicable to the duties and liability of an owner of land leased to the State or any subdivision thereof for recreational purposes.

Section 6. Nothing in this act limits in any way any liability which otherwise exists:

(1) For wilful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

(2) For injury suffered in any case where the owner of land charges the person or persons who enter or go on the land for recreational use thereof, except that in the case of land leased to the State or a subdivision thereof, any consideration received by the owner for such lease shall not be deemed a charge within the meaning of this section.

Section 7. Nothing in this act shall be construed to:

(1) Create a duty of care or ground of liability for injury to persons or property.

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

Section 8. The act of September 27, 1961 (P.L. 1696), entitled "An act limiting the liability of landowners of agriculture lands or woodlands for personal injuries suffered by any person while hunting or fishing upon the landowner's property," is repealed.

All other acts or parts of acts are repealed in so far as inconsistent herewith.

Section 9. This act shall take effect immediately.

Approved - The 2nd day of February, A.D. 1966 by Gov. William W. Scranton

[1] The phrase "toward persons entering thereon for such purposes" was removed by the act of 2007-11, signed by Gov. Edward Rendell on June 30, 2007, and became effective immediately.

[2] The term "cave exploration" was added by the act of 1992-10, signed by Gov. Robert P. Casey on March 26, 1992, and became effective 60 days later.

[3] This paragraph was added by the act of 2007-11, signed by Gov. Edward Rendell on June 30, 2007, and became effective immediately.