

HOUSE BILL 956

M2, M1

2lr2660

By: **Delegate Clark**

Introduced and read first time: February 10, 2022

Assigned to: Environment and Transportation

A BILL ENTITLED

1 AN ACT concerning

2 **Natural Resources – Recreation on Private Land – Hunting**

3 FOR the purpose of providing that if a landowner directly invites or permits, with or
4 without charge, an individual to use the landowner's real property for hunting, the
5 invited or permitted individual impliedly consents to adhere to every law, observe
6 every safety precaution and practice, take every precaution against fire, and assume
7 all responsibility and liability for the individual's safety and property while hunting
8 on the landowner's real property; and generally relating to hunting on private land.

9 BY repealing and reenacting, with amendments,
10 Article – Natural Resources
11 Section 5–1106 and 5–1109
12 Annotated Code of Maryland
13 (2018 Replacement Volume and 2021 Supplement)

14 SECTION 1. BE IT ENACTED BY THE GENERAL ASSEMBLY OF MARYLAND,
15 That the Laws of Maryland read as follows:

16 **Article – Natural Resources**

17 5–1106.

18 (A) The provisions of this subtitle do not limit in any way any liability which
19 otherwise exists for [willful]:

20 (1) **WILLFUL** or malicious failure to guard or warn against a dangerous
21 condition, use, structure, or activity; or [for]

22 (2) **EXCEPT AS PROVIDED IN § 5–1109 OF THIS SUBTITLE**, injury
23 suffered where the owner of the land charges the person who enters or goes on the land for

EXPLANATION: CAPITALS INDICATE MATTER ADDED TO EXISTING LAW.

[Brackets] indicate matter deleted from existing law.



1 recreational or educational use. [However, if]

2 **(B) IF** land is leased to the State or any of its political subdivisions, any
3 consideration the owner receives for the lease is not a charge within the meaning of this
4 section.

5 5–1109.

6 (a) **(1)** If a landowner agrees to the **PUBLIC** use of a defined part of the
7 landowner’s real property for the use of cross–country skiing, for the use of an OHV, or for
8 hunting, any person who uses the part of the real property impliedly consents to adhere to
9 every law, to observe every safety precaution and practice, to take every precaution against
10 fire, and to assume all responsibility and liability for the person’s safety and property while
11 cross–country skiing, using an OHV, or hunting on the landowner’s real property.

12 **(2) IF A LANDOWNER DIRECTLY INVITES OR PERMITS, WITH OR**
13 **WITHOUT CHARGE, AN INDIVIDUAL TO USE THE LANDOWNER’S REAL PROPERTY FOR**
14 **HUNTING, THE INVITED OR PERMITTED INDIVIDUAL WHO USES THE REAL PROPERTY**
15 **FOR HUNTING IMPLIEDLY CONSENTS TO ADHERE TO EVERY LAW, TO OBSERVE**
16 **EVERY SAFETY PRECAUTION AND PRACTICE, TO TAKE EVERY PRECAUTION AGAINST**
17 **FIRE, AND TO ASSUME ALL RESPONSIBILITY AND LIABILITY FOR THE INDIVIDUAL’S**
18 **SAFETY AND PROPERTY WHILE HUNTING ON THE LANDOWNER’S REAL PROPERTY.**

19 (b) The provisions of § 5–1108(b) and (c) of this subtitle apply when a landowner
20 leases any defined part of the landowner’s real property for the use of cross–country skiing,
21 for the use of an OHV, or for hunting.

22 (c) The Department shall adopt regulations to allow cross–country skiing, OHV
23 use, or hunting **BY THE PUBLIC** on those defined parts of a landowner’s real property on
24 which cross–country skiing, OHV use, or hunting **BY THE PUBLIC** is allowed under this
25 section.

26 SECTION 2. AND BE IT FURTHER ENACTED, That this Act shall take effect July
27 1, 2022.