



Rep. Lou Lang

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1 AMENDMENT TO SENATE BILL 333

2 AMENDMENT NO. _____. Amend Senate Bill 333 by replacing
3 everything after the enacting clause with the following:

4 "Section 1. Short title; purpose. This Act may be cited as
5 the State of Illinois Recreational Use of Leased Land Act.

6 The purpose of this Act is to encourage owners of land
7 through nominal leases to the State of Illinois Department of
8 Natural Resources to make land and water areas available to
9 members of the general public for recreational uses by limiting
10 their liability toward persons entering thereon for such uses.

11 Section 5. Definitions. As used in this Act, unless the
12 context otherwise requires:

13 "Land" includes roads, water, watercourses, private ways
14 and buildings, and structures, but does not include residential
15 buildings or residential property.

16 "Owner-lessor" means the owner of land that is leased to

1 the State of Illinois Department of Natural Resources pursuant
2 to a nominal lease.

3 "Nominal lease" means any lease between an owner-lessor and
4 the State of Illinois Department of Natural Resources under
5 which the total rent for the term of the lease is less than \$5.

6 "Leased land" means any land leased by an owner-lessor to
7 the State of Illinois Department of Natural Resources pursuant
8 to a nominal lease.

9 "Recreational use" means any activity undertaken for
10 conservation, resource management, exercise, or recreation on
11 leased land.

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

18 "Person" means any person who is a member of the general
19 public, regardless of age, maturity, or experience.

20 Section 10. No duty. Except as specifically recognized by
21 or provided in Section 15 of this Act, an owner-lessor of
22 leased land shall not be liable for injury of any kind to any
23 person who enters the leased land for a recreational use,
24 except for willful and wanton misconduct. The owner-lessor of
25 leased land owes no duty of ordinary care to keep leased land

1 safe for entry or use by any person for recreational uses, as
2 defined by this Act, or to give any warning of a natural or
3 artificial dangerous condition, use, structure, or activity on
4 the leased land to persons entering for such uses.

5 Section 15. Willful and wanton failure; charge for entry.
6 Nothing in this Act limits in any way any liability which
7 otherwise exists:

8 (a) For willful and wanton failure by an owner-lessor to
9 guard or warn against a dangerous condition, use, structure, or
10 activity on leased land.

11 (b) For injury suffered by a person in any case where the
12 owner-lessor of leased land assesses a charge against that
13 person who enters or goes on the leased land for recreational
14 use.

15 Section 20. Construction. Nothing in this Act shall be
16 construed to:

17 (a) Create a duty of ordinary care owed by an owner-lessor
18 to any person on the leased land for a recreational use or to
19 establish the basis for liability of an owner-lessor for injury
20 to persons or property.

21 (b) Relieve any person using leased land for recreational
22 uses from any obligation which he or she may have in the
23 absence of this Act to exercise care in his or her use of such
24 leased land and in his or her activities thereon, or from the

1 legal consequences of failure to employ such care.

2 Section 99. Effective date. This Act takes effect upon
3 becoming law.".