



## 97TH GENERAL ASSEMBLY

### State of Illinois

2011 and 2012

HB3364

Introduced 2/24/2011, by Rep. Dave Winters

#### SYNOPSIS AS INTRODUCED:

745 ILCS 65/1	from Ch. 70, par. 31
745 ILCS 65/2	from Ch. 70, par. 32
745 ILCS 65/3.5 new	
745 ILCS 65/4	from Ch. 70, par. 34
745 ILCS 65/5	from Ch. 70, par. 35
745 ILCS 65/6	from Ch. 70, par. 36
745 ILCS 65/7	from Ch. 70, par. 37

Amends the Recreational Use of Land and Water Areas Act. Adds "aeronautic use" to the recreational and conservation uses that are addressed in the Act. Provides that "aeronautic use" means the entry onto a private airstrip on the land of another to conduct recreational non-commercial flight activities with ultra light or other aircraft, or any related activity. Provides that except as specifically provided by the Act, a land owner owes no duty of care to keep private airstrip premises safe for entry or use by others for recreational non-commercial flight activities, except as to known hazards or defects, provided that this shall not be construed to impose liability or remove the immunity conferred by the Act for failure to guard or warn of a dangerous condition created by the forces of nature. Makes corresponding changes. Effective immediately.

LRB097 02913 AJO 42937 b

1 AN ACT concerning civil law.

2 **Be it enacted by the People of the State of Illinois,**  
3 **represented in the General Assembly:**

4 Section 5. The Recreational Use of Land and Water Areas Act  
5 is amended by changing Sections 1, 2, 4, 5, 6, and 7 and by  
6 adding Section 3.5 as follows:

7 (745 ILCS 65/1) (from Ch. 70, par. 31)

8 Sec. 1. This Act shall be known and may be cited as the  
9 "Recreational Use of Land and Water Areas Act".

10 The purpose of this Act is to encourage owners of land to  
11 make land and water areas available to any individual or  
12 members of the public for recreational or conservation purposes  
13 or aeronautic use by limiting their liability toward persons  
14 entering thereon for such purposes.

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

16 (745 ILCS 65/2) (from Ch. 70, par. 32)

17 Sec. 2. As used in this Act, unless the context otherwise  
18 requires:

19 (a) "Land" includes roads, private airstrips, water,  
20 watercourses, private ways and buildings, structures, and  
21 machinery or equipment when attached to the realty, but does  
22 not include residential buildings or residential property.

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

5 (c) "Recreational or conservation purpose" means entry  
6 onto the land of another to conduct hunting or recreational  
7 shooting or a combination thereof or any activity solely  
8 related to the aforesaid hunting or recreational shooting.

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

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

19 (f) "Aeronautic use" means entry onto a private airstrip on  
20 the land of another to conduct recreational non-commercial  
21 flight activities with ultra light or other aircraft, or any  
22 activity solely related to the aforesaid recreational  
23 non-commercial flight activities.

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

25 (745 ILCS 65/3.5 new)

1       Sec. 3.5. Private airstrip. Except as specifically  
2 recognized by or provided in Sections 4 and 6, an owner of land  
3 owes no duty of care to keep a private airstrip's premises safe  
4 for aeronautic use by others, except as to known hazards or  
5 defects. This Section shall not be construed to impose  
6 liability or remove the immunity conferred by this Act for  
7 failure to guard or warn of a dangerous condition created by  
8 the forces of nature.

9           (745 ILCS 65/4) (from Ch. 70, par. 34)

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

15           (a) Extend any assurance that the premises are safe for any  
16 purpose.

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

19           (c) Assume responsibility for or incur liability for any  
20 injury to person or property caused by an act or omission of  
21 such person or any other person who enters upon the land.

22           (d) Assume responsibility for or incur liability for any  
23 injury to such person or property caused by any natural or  
24 artificial condition, structure or personal property on the  
25 premises.

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

2 (745 ILCS 65/5) (from Ch. 70, par. 35)

3 Sec. 5. Unless otherwise agreed in writing, the provisions  
4 of Sections 3, 3.5, and 4 of this Act are applicable to the  
5 duties and liability of an owner of land leased to the State or  
6 any subdivision thereof for recreational or conservation  
7 purposes or for aeronautic use.

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

9 (745 ILCS 65/6) (from Ch. 70, par. 36)

10 Sec. 6. Nothing in this Act limits in any way any liability  
11 which otherwise exists:

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

14 (b) For injury suffered in any case where the owner of land  
15 charges the person or persons who enter or go on the land for  
16 the recreational or aeronautic use thereof, except that in the  
17 case of land leased to the State or a subdivision thereof, any  
18 consideration received by the owner for such lease is not a  
19 charge within the meaning of this Section.

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

21 (745 ILCS 65/7) (from Ch. 70, par. 37)

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

23 (a) Create a duty of care or ground of liability for injury

1 to persons or property.

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

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

8 Section 99. Effective date. This Act takes effect upon  
9 becoming law.