New York State Conservation Council Inc.
8 East Main Street, Ilion, New York 13357-1899

MEMORANDUM IN SUPPORT

Bill # **A 650** Gunther Same as **S 1429** Ritchie

Title: Relates to the liability of land owners who permit recreational uses of their land.

This bill would expand the resources available for a wide range of recreational activities by providing an affirmative defense to claims of ordinary negligence against landowners who voluntarily provide public access to their land for recreational activities and groups that develop recreational facilities for the public use.

Justification:

The NYSCC strongly supports this legislation. Given today's litigious environment, landowners are increasingly reluctant to open their property to public use. By expanding and clarifying the protection against unwarranted lawsuits, landowners and recreational groups will be more willing to open their land to the public for recreational use.

This legislation would ensure that the protection would encompass all recreational activities. The current statute lists specific activities that are covered, leading to such casuistic parsing as trying to determine if walking is included in hiking.

This bill makes clear that the protection for landowners applies when individuals are only traversing their property in order to access recreational facilities on other properties. This allows access to facilities, including publicly owned ones, which would otherwise be landlocked.

By clarifying the current law, this legislation would provide a broad range of recreational opportunities on private lands which are now closed purely as a preemptive measure as landowners are unsure of their potential liability.

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