

Senate Bill No. 83

(By Senators Sypolt, Browning, Barnes, Jenkins, Hall, Williams
and Plymale)

[Introduced January 13, 2011; referred to the Committee on
Natural Resources; and then to the Committee on the Judiciary.]

A BILL to amend and reenact §19-25-2 of the Code of West Virginia,
1931, as amended, relating to limiting a landowner from civil
liability for injuries that may occur to a person or property
on the landowner's property or surrounding property caused
while hunting.

Be it enacted by the Legislature of West Virginia:

That §19-25-2 of the Code of West Virginia, 1931, as amended,
be amended and reenacted to read as follows:

ARTICLE 25. LIMITING LIABILITY OF LANDOWNERS.

§19-25-2. Limiting duty of landowner generally.

(a) Subject to the provisions of section four of this article,
an owner of land owes no duty of care to keep the premises safe for
entry or use by others for recreational or wildlife propagation
purposes, or to give any warning of a dangerous or hazardous

1 condition, use, structure or activity on such premises to persons
2 entering for such purposes.

3 **(b)** Subject to the provisions of ~~section four~~ of this article,
4 an owner of land who either directly or indirectly invites or
5 permits without charge, as that term is defined in section five of
6 this article, any person to use ~~such~~ his or her property for
7 recreational or wildlife propagation purposes does not thereby:
8 ~~(a)~~ (1) Extend any assurance that the premises are safe for any
9 purpose; ~~or (b)~~ (2) confer upon such persons the legal status of an
10 invitee or licensee to whom a duty of care is owed; ~~or (c)~~ (3)
11 assume responsibility for or incur liability for any injury to
12 person or property caused by an act or omission of ~~such~~ the
13 persons; or (4) assume responsibility for or incur liability for
14 any injury to person or property, wherever the persons or property
15 is located, caused while hunting.

NOTE: The purpose of this bill is to limit the landowner from civil liability for injuries that may occur to person or property on the landowner's property or surrounding property caused while hunting.

Strike-throughs indicate language that would be stricken from the present law, and underscoring indicates new language that would be added.