

1 HB551  
2 130147-1  
3 By Representatives Greer, Bridges, Millican, Baughn, Long,  
4 Laird, Johnson (W) and Roberts  
5 RFD: Agriculture and Forestry  
6 First Read: 21-APR-11

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8 SYNOPSIS: Under existing law, a landowner who  
9 authorizes another person to use his or her  
10 property for hunting or fishing purposes may be  
11 held liable for damages for willful or malicious  
12 failure to guard against a dangerous condition, for  
13 injury under certain conditions where permission to  
14 hunt or fish was granted for commercial enterprise  
15 for profit, or under certain conditions for injury  
16 to third parties caused by acts of the person to  
17 whom permission to hunt or fish was granted.

18 This bill would limit liability of  
19 landowners who lease property for hunting or  
20 fishing purposes.

21  
22 A BILL  
23 TO BE ENTITLED  
24 AN ACT

25  
26 Relating to civil liability; to limit liability of  
27 landowners who lease property for hunting or fishing purposes.

1 BE IT ENACTED BY THE LEGISLATURE OF ALABAMA:

2 Section 1. This act shall be known and may be cited  
3 as the "Landowners Protection Act."

4 Section 2. (a) A landowner who leases property for  
5 hunting or fishing purposes shall not be liable for any  
6 damages to any person based on the use of the leased property  
7 for hunting or fishing purposes.

8 (b) Section 2 may not prevent or limit the liability  
9 of a landowner who:

10 (1) Has actual knowledge at the time of the lease of  
11 a dangerous condition existing on the land that is not open  
12 and obvious, and does not make the danger known to the lessee,  
13 and the danger proximately causes injury, damage, or death to  
14 a person rightfully using the land pursuant to the lease; or,

15 (2) Intentionally or willfully causes an injury to a  
16 person rightfully using the land pursuant to the lease.

17 (c) Section 2 does not enlarge or diminish the open  
18 and obvious doctrine.

19 (d) This act shall not affect the liability of a  
20 third party leasing the land.

21 Section 3. All laws or parts of laws which conflict  
22 with this act are repealed.

23 Section 4. This act shall become effective on the  
24 first day of the third month following its passage and  
25 approval by the Governor, or its otherwise becoming law.