

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1995

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HOUSE BILL 127
Second Edition Engrossed 2/23/95
Third Edition Engrossed 3/8/95
Fourth Edition Engrossed 3/13/95
Senate Judiciary I/Constitution Committee Substitute Adopted 6/12/95

Short Title: Landowner Protection Act.

(Public)

Sponsors:

Referred to:

February 8, 1995

1 A BILL TO BE ENTITLED
2 AN ACT TO LIMIT THE LIABILITY OF LANDOWNERS TO MEMBERS OF THE
3 PUBLIC ENTERING THE LAND FOR EDUCATIONAL AND RECREATIONAL
4 PURPOSES.

5 The General Assembly of North Carolina enacts:

6 Section 1. The General Statutes are amended by adding a new Chapter to read:

7 **"CHAPTER 38A.**

8 **"LANDOWNER LIABILITY.**

9 **"§ 38A-1. Purpose.**

10 The purpose of this Chapter is to encourage owners of land to make land and water
11 areas available to the public at no cost for educational and recreational purposes by
12 limiting the liability of the owner to persons entering the land for those purposes.

13 **"§ 38A-2. Definitions.**

14 The following definitions shall apply throughout this Chapter, unless otherwise
15 specified:

- 1 (1) 'Charge' means a price or fee asked for services, entertainment,
2 recreation performed, or products offered for sale on land or in return
3 for an invitation or permission to enter upon land, except as otherwise
4 excluded in this Chapter.
- 5 (2) 'Educational purpose' means any activity undertaken as part of a formal
6 or informal educational program, and viewing historical, natural,
7 archaeological, or scientific sites.
- 8 (3) 'Land' means real property, land, and water, but does not mean a dwelling and the property immediat