

Fifty-eighth Legislative Assembly of North Dakota
In Regular Session Commencing Tuesday, January 7, 2003

SENATE BILL NO. 2321
(Senators Trenbeath, Bowman, Robinson)
(Representatives Monson, Tieman)

AN ACT to amend and reenact section 53-08-05 of the North Dakota Century Code, relating to the limited liability of the owner of land used for recreational purposes.

BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:

SECTION 1. AMENDMENT. Section 53-08-05 of the North Dakota Century Code is amended and reenacted as follows:

53-08-05. Failure to warn against dangerous conditions - Charge to enter. ~~Nothing in this chapter limits~~ does not limit in any way any liability ~~which that~~ otherwise exists for:

1. Willful and malicious failure to guard or warn against a dangerous condition, use, structure, or activity; or
2. Injury suffered in any case ~~when in which~~ the owner of land ~~charges~~:
 - a. Charges the person or persons who enter or go on for entry onto the land other than the amount, if any, paid to the owner of the land by the state; and
 - b. The total charges collected by the owner in the previous calendar year for all recreational use of land under the control of the owner are more than:
 - (1) Twice the total amount of property taxes imposed on the land for the previous calendar year; or
 - (2) In the case of agricultural land, four times the total amount of property taxes imposed on the land for the previous calendar year.

President of the Senate

Speaker of the House

Secretary of the Senate

Chief Clerk of the House

This certifies that the within bill originated in the Senate of the Fifty-eighth Legislative Assembly of North Dakota and is known on the records of that body as Senate Bill No. 2321.

Senate Vote: Yeas 44 Nays 1 Absent 2

House Vote: Yeas 88 Nays 2 Absent 4

Secretary of the Senate

Received by the Governor at _____ M. on _____, 2003.

Approved at _____ M. on _____, 2003.

Governor

Filed in this office this _____ day of _____, 2003,
at _____ o'clock _____ M.

Secretary of State