

SENATE BILL NO. 2321

Introduced by

Senators Trenbeath, Bowman, Robinson

Representatives Monson, Tieman

1 A BILL for an Act to amend and reenact section 53-08-05 of the North Dakota Century Code,
2 relating to the limited liability of the owner of land used for recreational purposes.

3 **BE IT ENACTED BY THE LEGISLATIVE ASSEMBLY OF NORTH DAKOTA:**

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

6 **53-08-05. Failure to warn against dangerous conditions - Charge to enter.**

7 ~~Nothing in this~~ This chapter limits ~~does not limit~~ in any way any liability ~~which~~ that otherwise
8 exists for:

9 1. Willful and malicious failure to guard or warn against a dangerous condition, use,
10 structure, or activity; or

11 2. Injury suffered in any case ~~when~~ in which the owner of land ~~charges~~;

12 a. Charges the person ~~or persons who enter or go on~~ for entry onto the land
13 other than the amount, if any, paid to the owner of the land by the state; and

14 b. The total charges collected by the owner in the previous calendar year for all
15 recreational use of land under the control of the owner are more than:

16 (1) Twice the total amount of property taxes imposed on the land for the
17 previous calendar year; or

18 (2) In the case of agricultural land, four times the total amount of property
19 taxes imposed on the land for the previous calendar year.