

SENATE BILL NO. 2295
with Conference Committee Amendments
SENATE BILL NO. 2295

Sixty-second
Legislative Assembly
of North Dakota

Introduced by

Senators Olafson, Cook

Representatives Frantsvog, Keiser, Porter

1 A BILL for an Act to amend and reenact sections 53-08-01 and 53-08-02 and subsection 2 of
2 section 53-08-03 of the North Dakota Century Code, relating to recreational immunity.

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

4 **SECTION 1. AMENDMENT.** Section 53-08-01 of the North Dakota Century Code is
5 amended and reenacted as follows:

6 **53-08-01. Definitions.**

7 In this chapter, unless the context or subject matter otherwise requires:

- 8 1. "Charge" means the amount of money asked in return for an invitation to enter or go
9 upon the land. "Charge" does not include vehicle, parking, shelter, or other similar fees
10 required by any public entity.
- 11 2. "Commercial purpose" means a deliberative decision of an owner to invite or permit
12 the use of the owner's property for normal business transactions, including the buying
13 and selling of goods and services. The term includes any decision of an owner to
14 invite members of the public onto the premises for recreational purposes as a means
15 of encouraging business transactions or directly improving the owner's commercial
16 activities other than through good will. "Commercial purpose" does not include the
17 operation of public lands by a public entity except any direct activity for which there is
18 a charge for goods or services.
- 19 3. "Land" includes all public and private land, roads, water, watercourses, and ways and
20 buildings, structures, and machinery or equipment thereon.
- 21 3.4. "Owner" includes tenant, lessee, occupant, or person in control of the premises.
- 22 4.5. "Recreational purposes" includes any activity engaged in for the purpose of exercise,
23 relaxation, pleasure, or education.

1 **SECTION 2. AMENDMENT.** Section 53-08-02 of the North Dakota Century Code is
2 amended and reenacted as follows:

3 **53-08-02. Duty of care of landownerowner.**

4 1. Subject to the provisions of section 53-08-05, an owner of land owes no duty of care to
5 keep the premises safe for entry or use by others for recreational purposes, regardless
6 of the location and nature of the recreational purposes and whether the entry or use
7 by others is for their own recreational purposes or is directly derived from the
8 recreational purposes of other persons, or to give any warning of a dangerous
9 condition, use, structure, or activity on such premises to persons entering for such
10 purposes.

11 2. This section does not apply to:

12 a. A person that enters land to provide goods or services at the request of, and at
13 the direction or under the control of, an owner; or

14 b. An owner engaged in a for-profit business venture that directly or indirectly invites
15 members of the public onto the premises for commercial purposes or during
16 normal periods of commercial activity in which members of the public are invited.

17 **SECTION 3. AMENDMENT.** Subsection 2 of section 53-08-03 of the North Dakota Century
18 Code is amended and reenacted as follows:

19 2. Confer upon such persons, or any other person whose presence on the premises is
20 directly derived from those recreational purposes, the legal status of an invitee or
21 licensee to whom a duty of care is owed other than a person that enters land to
22 provide goods or services at the request of, and at the direction or under the control of,
23 the owner; or