

Sixty-first
Legislative Assembly
of North Dakota

HOUSE BILL NO. 1189

Introduced by

Representatives Wald, Froelich, Headland

1 A BILL for an Act to amend and reenact section 53-08-05 of the North Dakota Century Code,
2 relating to the liability of owners of recreational lands.

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.** This
7 chapter does not limit in any way any liability that otherwise exists for:

- 8 1. Willful and malicious failure to guard or warn against a dangerous condition, use,
9 structure, or activity; or
- 10 2. Injury suffered in any case in which the owner of land:
 - 11 a. Charges the person for entry onto the land other than the amount, if any, paid
12 to the owner of the land by the state; and
 - 13 b. The total charges collected by the owner in the previous calendar year for all
14 recreational use of land under the control of the owner are more than:
 - 15 (1) ~~Twice the total amount of property taxes imposed on the land for the~~
16 ~~previous calendar year; or~~
 - 17 (2) ~~In the case of agricultural land, four times the total amount of property~~
18 ~~taxes imposed on the land for the previous calendar year~~ one hundred
19 thousand dollars.