

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

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SENATE BILL 136

Short Title: Trail System Liability.

(Public)

Sponsors: Senators Sherron, Allran, Cochrane, Kaplan, Shaw; Basnight, Carpenter, Johnson, Odom, Perdue, Plexico, Plyler, Sands, Staton, Tally, Ward, and Warren.

Referred to: Judiciary I.

February 20, 1991

A BILL TO BE ENTITLED

1 AN ACT TO EXTEND THE LIMITED LIABILITY PROTECTION UNDER THE
2 TRAILS SYSTEM TO LANDOWNERS, UNITS OF GOVERNMENT, TRAIL
3 DEVELOPERS, AND TRAIL MAINTAINERS.
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5 The General Assembly of North Carolina enacts:

6 Section 1. G.S. 113A-95 reads as rewritten:

7 "**§ 113A-95. ~~Liability to users of the Trails System~~Trail use liability.**

8 An owner, lessee, occupant, or other person in control of land who allows without
9 compensation another person to hike or use the land for ~~recreational-trail~~ purposes as
10 ~~established under this Article~~ or to construct or maintain or cause to be constructed or
11 maintained a recreational, scenic, connecting, or side trail owes the person the same
12 duty of care he owes a trespasser. A person who has constructed or maintained or
13 caused to be constructed or maintained a trail pursuant to standards adopted by the
14 Secretary of the Department of Environment, Health, and Natural Resources as the
15 North Carolina Trails System Guidelines and otherwise pursuant to agreements with an
16 owner, lessee, occupant, or other person in control of land on which a trail is located
17 shall be considered to be an owner, lessee, occupant, or other person in control of land
18 for the purposes of any action where the liability of the person to another who is a hiker
19 or trail user is sought to be determined."

20 Sec. 2. This act becomes effective October 1, 1991.