

HOUSE JUDICIARY COMMITTEE SUBSTITUTE FOR  
HOUSE BILL 12

50TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2011

AN ACT

RELATING TO GAME AND FISH; ADDING OPERATION OF AIRCRAFT TO  
THOSE USES OF LAND WHERE LIABILITY OF THE LAND OWNER IS  
LIMITED.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 17-4-7 NMSA 1978 (being Laws 1967,  
Chapter 6, Section 1) is amended to read:

"17-4-7. LIABILITY OF LANDOWNER PERMITTING PERSONS TO  
HUNT, FISH OR USE LANDS FOR RECREATION--DUTY OF CARE--  
EXCEPTIONS.--

A. Any owner, lessee or person in control of lands  
who, without charge or other consideration, other than a  
consideration paid to ~~said~~ the landowner by the state, the  
federal government or any other governmental agency, grants  
permission to any person or group to use ~~his~~ the owner's,

.184774.1

underscored material = new  
[bracketed material] = delete

1 lessee's or land controller's lands for the purpose of hunting,  
2 fishing, trapping, camping, hiking, sightseeing, the operation  
3 of aircraft or any other recreational use does not thereby:

4 (1) extend any assurance that the premises are  
5 safe for such purpose; [~~or~~]

6 (2) assume any duty of care to keep such lands  
7 safe for entry or use; [~~or~~]

8 (3) assume responsibility or liability for any  
9 injury or damage to or caused by such person or group; or

10 (4) assume any greater responsibility, duty of  
11 care or liability to such person or group than if [~~such~~]  
12 permission had not been granted and [~~such~~] the person or group  
13 were trespassers.

14 B. This section shall not limit the liability of  
15 any landowner, lessee or person in control of lands [~~which~~]  
16 that may otherwise exist by law for injuries to any person  
17 granted permission to hunt, fish, trap, camp, hike, sightsee,  
18 operate aircraft or use the land for recreation in exchange for  
19 a consideration, other than a consideration paid to [~~said~~] the  
20 landowner by the state, the federal government or any other  
21 governmental agency."