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SENATE BILL 17

53RD LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2017

INTRODUCED BY

William P. Soules

AN ACT

RELATING TO LANDOWNER LIABILITY; LIMITING LIABILITY OF
LANDOWNERS PERMITTING PERSONS TO EXPLORE CAVES ON PRIVATE
PROPERTY.

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, as amended) 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 the landowner by the state, the federal
government or any other governmental agency, grants permission
to any person or group to use the owner's, lessee's or land

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

5 (1) extend any assurance that the premises are
6 safe for such purpose;

7 (2) assume any duty of care to keep such lands
8 safe for entry or use;

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

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

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