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States' Recreational Use Statutes:

Pennsylvania



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[32 P.S. § 5621](#); [68 P.S. § 477-1 to § 477-7](#)
Current through 2022 Regular Session Act 40.

Title 32

§ 5621. Limitation on liability of persons making land available for trail use

(a) General rule.--Except as specifically recognized or provided in subsection (d), an owner or lessee who provides the public with land for use as a trail under this act or who owns land adjoining any trail developed under this act owes no duty of care to keep the land safe for entry or use by others for recreational purposes, or to give any warning to persons entering or going on that trail land of a dangerous condition, use, structure or activity thereon.

(b) Owner.--Any person, public agency or corporation owning an interest in land utilized for recreational trail purposes pursuant to this act shall be treated as an "owner" for purposes of the act of February 2, 1966 (1965 P.L. 1860, No. 586),¹ entitled "An act encouraging landowners to make land and water areas available to the public for recreational purposes by limiting liability in connection therewith, and repealing certain acts."

(c) Specific limitations on liability.--Except as specifically recognized by or provided in subsection (d), an owner or lessee who provides the public with land under this act shall not, by providing that trail or land:

- (1) be presumed to extend any assurance that the land is safe for any purpose;
- (2) incur any duty of care toward a person who goes on that land; or
- (3) become liable for any injury to persons or property caused by an act or an act of omission of a person who goes on that land.

(d) Exception.--

(1) This section shall not apply to the owner or lessee of the land used as a trail if there is any charge made or usually made for entering or using the trail or land, or any part thereof.

(2) This section shall not apply to the owner of land adjoining a trail if there is any charge made or usually made by the owner of such adjoining land for



using the trail or land, or any part thereof, or if any commercial or other activity relating to the use of the trail whereby profit is derived from the patronage of the general public is conducted on such adjoining land, or on any part thereof, provided, however, that nothing in this section shall be construed to authorize an adjoining land owner claiming an interest in an available railroad right-of-way to charge for or inhibit the use of such a right-of-way as a recreational trail.

(3) Nothing in this act limits in any way any liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity.

Title 68

§ 477-1. Purpose; liability

The purpose of this act is to encourage owners of land to make land and water areas available to the public for recreational purposes by limiting their liability to:

- (1) recreational users; and
- (2) persons or property based on:
 - (i) acts of omission by landowners; or
 - (ii) acts or acts of omission by recreational users.

§ 477-2. Definitions

As used in this act:

- (1) “Land” means land, roads, water, watercourses, private ways and buildings, amenities, structures, boating access and launch ramps, bridges, fishing piers, boat docks, ramps, paths, paved or unpaved trails, hunting blinds and machinery or equipment when attached to the realty. The term shall also include areas providing access to, or parking for, lands and waters, including, but not limited to, access ramps, trails or piers for use by recreational users with disabilities.
- (2) “Owner” means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.
- (3) “Recreational purpose” means any activity undertaken or viewed for exercise, sport, education, recreation, relaxation or pleasure and includes, but is not limited to, any of the following, or any combination thereof: hunting, fishing, swimming, boating, recreational noncommercial aircraft operations or recreational noncommercial ultralight operations on private airstrips, camping, picnicking, hiking, pleasure driving, snowmobiling, all-terrain vehicle and motorcycle riding, nature study, water skiing, water sports,



cave exploration and viewing or enjoying historical, archaeological, scenic, or scientific sites.

(4) “Charge” means the admission price or fee asked in return for invitation or permission to enter or go upon the land. The term does not include voluntary contributions, in-kind contributions or contributions made to an owner of real property that are not retained by the owner of the real property and are used by the owner of the real property exclusively for one or more of the following purposes:

- (i) conserving or maintaining the land;
- (ii) paying taxes on the real property; or
- (iii) paying for liability insurance on the real property.

(5) “Recreational user” means a person who enters or uses land for a recreational purpose.

§ 477-3. Duty to keep premises safe; warning

Except as specifically recognized or provided in section 6 of this act,¹ an owner of land owes no duty of care to keep the premises safe for entry or use by recreational users, or to give any warning of a dangerous condition, use, structure, or activity on such premises to recreational users.

§ 477-4. Assurance of safe premises; duty of care; responsibility, liability

Except as specifically recognized by or provided in section 6 of this act,¹ an owner of land who either directly or indirectly invites or permits without charge any recreational user to use such property does not thereby:

- (1) Extend any assurance that the premises are safe for any purpose.
- (2) Confer upon such recreational user the legal status of an invitee or licensee to whom a duty of care is owed.
- (3) Assume responsibility for or incur liability for any injury to persons or property caused by an act of omission of a recreational user or landowner.
- (4) Assume responsibility for or incur liability for any injury to persons or property, wherever such persons or property are located, caused while hunting as defined in 34 Pa.C.S. § 102 (relating to definitions).

§ 477-5. Land leased to State or subdivision



Unless otherwise agreed in writing, the provisions of sections 3 and 4 of this act¹ shall be deemed applicable to the duties and liability of an owner of land leased to the State or any subdivision thereof for recreational purposes.

§ 477-6. Liability not limited

Nothing in this act limits in any way any liability which otherwise exists:

- (1) For wilful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.
- (2) For injury suffered in any case where the owner of land charges the recreational user or users who enter or go on the land, except that in the case of land leased to the State or a subdivision thereof, any consideration received by the owner for such lease shall not be deemed a charge within the meaning of its section.

§ 477-7. Construction of act

Nothing in this act shall be construed to:

- (1) Create a duty of care or ground of liability for injury to persons or property.
- (2) Relieve any recreational user from any obligation which he may have in the absence of this act to exercise care in his use of such land and in his activities thereon, or from the legal consequences of failure to employ such care.

