

GENERAL ASSEMBLY OF NORTH CAROLINA

SESSION 1991

S

4

SENATE BILL 136  
Judiciary I Committee Substitute Adopted 3/13/91  
Third Edition Engrossed 3/14/91  
House Committee Substitute Favorable 4/8/91

Short Title: Trail System Liability.

(Public)

Sponsors:

Referred to:

February 20, 1991

A BILL TO BE ENTITLED

AN ACT TO EXTEND THE LIMITED LIABILITY PROTECTION UNDER THE TRAILS SYSTEM TO LANDOWNERS, UNITS OF GOVERNMENT, TRAIL DEVELOPERS, AND TRAIL MAINTAINERS.

The General Assembly of North Carolina enacts:

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

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

(a) Any person, as an owner, lessee, occupant, or other person otherwise in control of land, who allows without compensation another person to hike or use the land for recreational scenic trail, recreation trail, connecting trail, or side trail purposes as established under this Article or to construct, maintain, or cause to be constructed or maintained a scenic trail, recreation trail, connecting trail, or side trail, owes the person the same duty of care he owes a trespasser.

(b) Any person who without compensation has constructed, maintained, or caused to be constructed or maintained a scenic trail, recreation trail, connecting trail, or side trail pursuant to an agreement with any person who is an owner, lessee, occupant, or otherwise in control of land on which a trail is located shall owe a person using the trail the same duty of care owed a trespasser.

(c) Unless the context otherwise requires, the following definitions shall apply in this section:

- 1           (1) 'Scenic trail' means an extended trail so located as to provide  
2           maximum potential for the appreciation of natural areas and for the  
3           conservation and enjoyment of the significant scenic, historic, natural,  
4           ecological, geological or cultural qualities of the areas through which  
5           such trail may pass.
- 6           (2) 'Recreation trail' means a trail planned principally for recreational  
7           value and may include trails for foot travel, horseback, nonmotorized  
8           bicycles, nonmotorized water vehicles, and two-wheel- and four-  
9           wheel-drive motorized vehicles.
- 10          (3) 'Connecting or side trail' means a trail which will provide additional  
11          points of public access to scenic or recreation trails or which will  
12          provide connections between such trails."
- 13          Sec. 2. This act becomes effective October 1, 1991.