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4 **SENATE BILL No. 607**

5
6 By Committee on Agriculture

7
8 2-15

9
10 AN ACT concerning land and water recreational areas; relating to limited
11 liability; agritourism and ecotourism; amending K.S.A. 58-3201 ~~and~~,
12 58-3202 **and 58-3206** and repealing the existing sections.

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14 *Be it enacted by the Legislature of the State of Kansas:*

15 Section 1. K.S.A. 58-3201 is hereby amended to read as follows: 58-
16 3201. The purpose of this act is to encourage owners of land to make land
17 and water areas available to the public for recreational purposes *and to*
18 *encourage the development of agritourism and ecotourism opportunities*
19 *in this state* by limiting their liability toward persons entering ~~thereon~~ *on*
20 *such land* for such purposes.

21 Sec. 2. K.S.A. 58-3202 is hereby amended to read as follows: 58-
22 3202. As used in this act: (a) "Land" means land, roads, water, water-
23 courses, private ways and buildings, structures, and machinery or equip-
24 ment when attached to the realty and includes agricultural and
25 nonagricultural land.

26 (b) "Owner" means the possessor of a fee interest, a tenant, lessee,
27 occupant or person in control of the premises.

28 (c) "Recreational purpose" includes, but is not limited to, any of the
29 following, or any combination thereof: Hunting, fishing, swimming, boat-
30 ing, camping, picnicking, hiking, pleasure driving, nature study, water
31 skiing, winter sports, ~~and horseback riding~~, viewing or enjoying historical,
32 archaeological, scenic, or scientific sites ~~and recreational viewing or en-~~
33 ~~joying farming and or ranching activities provided as agritourism~~
34 ~~activities~~.

35 (d) "Charge" means the admission price or fee asked in return for
36 invitation or permission to enter or go upon the land.

37 (e) "Agricultural land" means land suitable for use in farming and
38 includes roads, water, watercourses and private ways located upon or
39 within the boundaries of such agricultural land and buildings, structures
40 and machinery or equipment when attached to such agricultural land.

41 (f) "Farming" means the cultivation of land for the production of
42 agricultural crops, the raising of poultry, the production of eggs, the pro-
43 duction of milk, the production of fruit or other horticultural crops, graz-

1 ing or the production of livestock.

2 (g) “Nonagricultural land” means all land other than agricultural land.

3 **Sec. 3. K.S.A. 58-3206 is hereby amended to read as follows:**
4 **58-3206. Nothing in this act limits in any way any liability which**
5 **otherwise exists: (a) For willful or malicious failure to guard or**
6 **warn against a dangerous condition, use, structure, or activity.**

7 **(b) For injury suffered in any case where the owner of nona-**
8 **gricultural land charges the person or persons who enter or go on**
9 **the nonagricultural land for the recreational use thereof, except**
10 **that in the case of nonagricultural land leased to the state or a**
11 **subdivision thereof, any consideration received by the owner for**
12 **such lease shall not be deemed a charge within the meaning of this**
13 **section.**

14 **(c) For injury received on agricultural land incidental to the use of**
15 **the land on which a commercial or business enterprise of any description**
16 **is being carried on, except that leasing agricultural land for recreational**
17 **purposes shall not be considered to be a business or commercial**
18 **enterprise.**

19 **Sec. ~~3~~ 4. K.S.A. 58-3201 and, 58-3202 and 58-3206** are hereby
20 repealed.

21 **Sec. ~~4~~ 5.** This act shall take effect and be in force from and after its
22 publication in the statute book.

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