

CHAPTER 178
HOUSE BILL No. 2432

AN ACT concerning real property; relating to recreational trails; liability of adjacent property owners; amending K.S.A. 58-3214 and 58-3215 and repealing the existing sections.

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

Section 1. K.S.A. 58-3214 is hereby amended to read as follows: 58-3214. An adjacent property owner has no duty of care to: (a) Any person using a recreational trail, except that this ~~section~~ *subsection* shall not relieve an adjacent property owner from liability for injury to another that is a direct result of such property owner's gross negligence or willful or wanton misconduct; or (b) *any person entering such adjacent property owner's land by way of the recreational trail without implied or expressed permission or consent of the adjacent property owner, except that this subsection shall not relieve an adjacent property owner from liability for injury to another that is a direct result of an intentional or unlawful act of the adjacent property owner.*

Sec. 2. K.S.A. 58-3215 is hereby amended to read as follows: 58-3215. ~~A city or county may institute procedures for recourse against the responsible party pursuant to 16 U.S.C. 1247 (1983) and 49 C.F.R. 1152.29 (1986) upon the failure of the responsible party to comply with the provisions of this act. If the responsible party fails to comply with the provisions of this act, any adjacent property owner, city or county aggrieved by the noncompliance may bring an action in the district court to enforce the provisions of this act. Upon a finding that the responsible party has failed to comply with the provisions of this act, the court may enter an order requiring the responsible party to comply with the provisions of this act.~~

Sec. 3. K.S.A. 58-3214 and 58-3215 are hereby repealed.

Sec. 4. This act shall take effect and be in force from and after its publication in the Kansas register.

Approved May 15, 2006.

Published in the *Kansas Register* May 25, 2006.
