

1 owner of a private roadway owes no duty of care to keep the
2 premises safe for entry or use by others to gain egress or
3 ingress from one public highway to another public highway, or to
4 give any warning of a dangerous condition, use, structure, or
5 activity on the private roadway to persons entering for such
6 purposes, or to persons entering in response to such persons who
7 require assistance, either directly or indirectly, including but
8 not limited to rescue, medical care, or other form of
9 assistance.

10 § -C **Liability of owner limited.** Except as specifically
11 recognized by or provided in section -D, an owner of a
12 private roadway who either directly or indirectly invites or
13 permits without charge any person to use the private roadway for
14 egress or ingress from one public highway to another public
15 highway does not:

- 16 (1) Extend any assurance that the private roadway is safe
17 for any purpose;
- 18 (2) Confer upon the person the legal status of an invitee
19 or licensee to whom a duty of care is owed;
- 20 (3) Assume responsibility for, or incur liability for, any
21 injury to any person or damage to any property caused



1 by an act of omission or commission of such persons;

2 and

3 (4) Assume responsibility for, or incur liability for, any
4 injury to any person or persons who enter the private
5 roadway in response to an injured person who entered
6 the private roadway.

7 § -D **Exceptions to limitations.** Nothing in this chapter
8 limits in any way any liability that otherwise exists:

9 (1) For wilful or malicious failure to guard or warn
10 against a dangerous condition, use, or structure that
11 the owner knowingly creates or perpetuates and for
12 wilful or malicious failure to guard or warn against a
13 dangerous activity that the owner knowingly pursues or
14 perpetuates; or

15 (2) For injury or damages suffered in any case where the
16 owner of private roadway charges the person or persons
17 who enter and utilizes the private roadway, except
18 that in the case of a private roadway leased to the
19 State or a political subdivision thereof, any
20 consideration received by the owner for such lease
21 shall not be deemed a charge within the meaning of
22 this section.



1 § **-E Persons using private roadway.** Nothing in this
2 chapter shall be construed to:

3 (1) Create a duty of care or ground for liability for
4 injury to persons or damage to property; or

5 (2) Relieve any person using the private roadway of
6 another for egress or ingress from one public highway
7 to another public highway from any obligation that the
8 person may have in the absence of this chapter to
9 exercise care in the person's use of the private
10 roadway and in the person's activities thereon, or
11 from the legal consequences of failure to employ such
12 care."

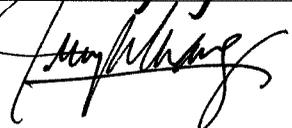
13 SECTION 2. This Act does not affect rights and duties that
14 matured, penalties that were incurred, and proceedings that were
15 begun, before its effective date.

16 SECTION 3. In codifying the new sections added by section
17 1 of this Act, the revisor of statutes shall substitute
18 appropriate section numbers for the letters used in designating
19 the new sections in this Act.

20 SECTION 4. This Act shall take effect upon its approval.

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Report Title:

Landowner's Liability; Private Roadways

Description:

Limits landowner's liability towards persons using private roadways for egress and ingress from one public highway to another public highway.

