WEST VIRGINIA LEGISLATURE

REGULAR SESSION, 1997

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ENROLLED

SENATE BILL NO. 378

(By Senator Wooton, et al.)

PASSED April 10, 1997

In Effect, Ninety Days From Passage
ENROLLED

Senate Bill No. 378

(By Senators Wooton, Ball, Bowman, Dittmar, Hunter, Oliverio, Ross, Schoonover, Snyder, White, Wiedebusch, Buckalew, Deem, Kimble and Scott)

[Passed April 10, 1997; in effect ninety days from passage.]

AN ACT to amend and reenact sections one, two and four, article twenty-five, chapter nineteen of the code of West Virginia, one thousand nine hundred thirty-one, as amended, all relating to encouraging private landowners to allow the public to enter private lands for recreational purposes; providing for limitation of landowner liability for injury to persons entering private property and injury to the property of persons entering such property; and providing an exception for liability for deliberate, intentional or malicious infliction of injury.

Be it enacted by the Legislature of West Virginia:

That sections one, two and four, article twenty-five, chapter nineteen of the code of West Virginia, one thousand nine
hundred thirty-one, as amended, be amended and reenacted, all
to read as follows:

ARTICLE 25. LIMITING LIABILITY OF LANDOWNERS.

§19-25-1. Purpose.

The purpose of this article is to encourage owners of
land to make available to the public land and water areas
for military training or recreational or wildlife propaga-
tion purposes by limiting their liability for injury to
persons entering thereon and for injury to the property of
persons entering thereon and limiting their liability to
persons who may be injured or otherwise damaged by the
acts or omissions of persons entering thereon.

§19-25-2. Limiting duty of landowner generally.

Subject to the provisions of section four of this article,
an owner of land owes no duty of care to keep the pre-
mises safe for entry or use by others for recreational or
wildlife propagation purposes, or to give any warning of
a dangerous or hazardous condition, use, structure or
activity on such premises to persons entering for such
purposes.

Subject to the provisions of section four of this article,
an owner of land who either directly or indirectly invites
or permits without charge as that term is defined in
section five of this article, any person to use such property
for recreational or wildlife propagation purposes does not
thereby: (a) Extend any assurance that the premises are
safe for any purpose; or (b) confer upon such persons the
legal status of an invitee or licensee to whom a duty of
care is owed; or (c) assume responsibility for or incur
liability for any injury to person or property caused by an
act or omission of such persons.

§19-25-4. Application of article.

Nothing herein limits in any way any liability which
otherwise exists: (a) For deliberate, willful or malicious
infliction of injury to persons or property; or (b) for injury
suffered in any case where the owner of land charges the
person or persons who enter or go on the land other than
the amount, if any, paid to the owner of the land by the
Nothing herein creates a duty of care or ground of liability for injury to person or property.

Nothing herein limits in any way the obligation of a person entering upon or using the land of another for recreational or wildlife propagation purposes to exercise due care in his or her use of such land and in his or her activities thereon.
That Joint Committee on Enrolled Bills hereby certifies that the foregoing bill is correctly enrolled.

Randy Sieren
Chairman Senate Committee

Nick Fantasia
Chairman House Committee

Originated in the Senate.
In effect ninety days from passage.

Darrell Stump
Clerk of the Senate

Clerk of the House of Delegates

Earl Ray Tomblin
President of the Senate

Speaker House of Delegates

The within ... approved this the day of April, 1997.

Governor