

P.L. 2001, CHAPTER 265, *approved December 11, 2001*  
Assembly, No. 3035 (*Second Reprint*)

1 **AN ACT** concerning the limitation of liability of owners, lessees and  
2 occupants of certain premises subject to conservation restrictions  
3 <sup>1</sup>or certain other interests<sup>1</sup>, and supplementing Title 2A of the New  
4 Jersey Statutes.

5

6 **BE IT ENACTED** by the Senate and General Assembly of the State  
7 of New Jersey:

8

9 1. a. An owner, lessee or occupant of premises <sup>1</sup>**[for] on<sup>1</sup>** which  
10 a conservation restriction <sup>1</sup>**[has been acquired] is held<sup>1</sup>** by the State,  
11 a local unit, or a charitable conservancy and upon which premises  
12 subject to the conservation restriction public access is allowed, <sup>1</sup>or of  
13 premises upon which public access is allowed pursuant to a public  
14 pathway or trail easement held by the State, a local unit, or a  
15 charitable conservancy.<sup>1</sup> and regardless of whether public notice is  
16 provided, shall be liable <sup>2</sup>to a person injured on the premises<sup>2</sup> only  
17 for:

18 (1) willful or malicious failure to guard, or to warn against, a  
19 dangerous condition, use, structure or activity; or

20 (2) injury caused by acts of negligence on the part of the owner,  
21 lessee or occupant of the premises to any person where permission to  
22 engage in sport or recreational activity on the premises was granted  
23 for a consideration other than the consideration, if any, paid to the  
24 landowner by the State, local unit, or charitable conservancy; or

25 (3) injury caused by acts of gross negligence on the part of the  
26 owner, lessee, or occupant of the premises to any person entering or  
27 using the land for a use or purpose unrelated to public access  
28 purposes.

29 b. For the purposes of this section:

30 <sup>1</sup>**["Acquire" means by purchase, installment purchase agreement,**  
31 **gift, donation, eminent domain, or devise;]**<sup>1</sup>

32 "Charitable conservancy" means the same as that term is defined  
33 pursuant to section 2 of P.L.1979, c.378 (C.13:8B-2), or a "qualifying  
34 tax exempt nonprofit organization" as defined pursuant to section 3 of  
35 P.L.1999, c.152 (C.13:8C-3);

36 "Conservation restriction" means the same as that term is defined  
37 pursuant to section 2 of P.L.1979, c.378 (C.13:8B-2);

38 "Local unit" means the same as that term is defined pursuant to  
39 section 2 of P.L.1979, c.378 (C.13:8B-2), or a "local government

**EXPLANATION - Matter enclosed in bold-faced brackets [thus] in the above bill is not enacted and intended to be omitted in the law.**

**Matter underlined thus is new matter.**

**Matter enclosed in superscript numerals has been adopted as follows:**

<sup>1</sup> Assembly AAN committee amendments adopted January 23, 2001.

<sup>2</sup> Assembly AJU committee amendments adopted May 7, 2001.

1 unit" as defined pursuant to section 3 of P.L.1999, c.152 (C.13:8C-3);

2 "Premises" means any land in the State (1) regardless of location or  
3 characterization or classification of location including but not limited  
4 to land characterized or classified as being located in an urban,  
5 suburban, rural, semi-rural, populous, developed, undeveloped,  
6 unpopulous, residential, nonresidential, commercial, or industrial area,  
7 and (2) regardless of whether or not the land is improved or  
8 maintained in a natural condition, or used as part of a commercial  
9 enterprise; and

10 "Sport or recreational activity" means a "sport and recreational  
11 activity" as defined pursuant to section 1 of P.L.1968, c.73  
12 (C.2A:42A-2).

13

14 2. This act shall take effect immediately.

15

16

17

18

19 Limits liability of landowners who allow public access on lands subject  
20 to conservation or trail easements held by government entities or  
21 certain nonprofit organizations.