



General Assembly

Substitute Bill No. 43

January Session, 2011

* SB00043PD 032811 *

AN ACT CONCERNING MUNICIPAL LIABILITY FOR LAND OPENED TO THE PUBLIC FOR RECREATIONAL PURPOSES.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

1 Section 1. Section 52-557f of the general statutes is repealed and the
2 following is substituted in lieu thereof (*Effective October 1, 2011*):

3 As used in sections 52-557f to 52-557i, inclusive:

4 (1) "Charge" means the admission price or fee asked in return for
5 invitation or permission to enter or go upon the land, except that
6 "charge" does not include tax revenue collected pursuant to title 12 by
7 any owner;

8 (2) "Land" means land, roads, water, watercourses, private ways
9 and buildings, structures, and machinery or equipment when attached
10 to the realty;

11 (3) "Owner" means the possessor of a fee interest, a tenant, lessee,
12 occupant or person in control of the premises and includes any
13 municipality, as defined in section 7-148, any district, as defined in
14 section 7-324, any metropolitan district created by special act or
15 pursuant to sections 7-333 to 7-339, inclusive, and any railroad
16 company;

17 (4) "Recreational purpose" includes, but is not limited to, any of the

18 following, or any combination thereof: Hunting, fishing, swimming,
19 boating, camping, picnicking, hiking, pleasure driving, nature study,
20 water skiing, snow skiing, ice skating, sledding, hang gliding, sport
21 parachuting, hot air ballooning and viewing or enjoying historical,
22 archaeological, scenic or scientific sites.

23 Sec. 2. (NEW) (*Effective October 1, 2011*) (a) For purposes of this
24 section, "charge" has the same meaning as provided in section 52-557f
25 of the general statutes, as amended by this act, "hazardous waste" has
26 the same meaning as provided in section 22a-115 of the general
27 statutes, and "pollution" has the same meaning as provided in section
28 22a-423 of the general statutes.

29 (b) Notwithstanding the provisions of chapter 445 of the general
30 statutes, any municipality that acquires an easement over property of
31 another for the purpose of making the property included in such
32 easement available to the public for recreational use without charge,
33 rent, fee or other commercial service shall not be liable for any fines,
34 penalties or costs of investigation or remediation with respect to any
35 hazardous waste, pollution or source of pollution on or emanating
36 from such property of another provided such hazardous waste,
37 pollution or source of pollution (1) occurred or existed on such
38 property prior to the municipality's acquisition of such easement, or (2)
39 was not caused by such municipality or by an agent of such
40 municipality.

41 (c) Any municipality that acquires an easement for recreational use
42 by the public as provided in subsection (b) of this section may
43 investigate and remediate any hazardous waste, pollution or source of
44 pollution on or emanating from the property included in such
45 easement in accordance with standards adopted under section 22a-
46 133k of the general statutes for remediation of property used for
47 recreational purposes and shall not be liable for any cost to investigate
48 and remediate property owned by another and not included in such
49 easement.

This act shall take effect as follows and shall amend the following sections:

Section 1	<i>October 1, 2011</i>	52-557f
Sec. 2	<i>October 1, 2011</i>	New section

PD *Joint Favorable Subst.*