

By: Representative Mangold

To: Judiciary A

HOUSE BILL NO. 1546

1 AN ACT TO AMEND SECTION 89-2-1, MISSISSIPPI CODE OF 1972, TO  
 2 CLARIFY IMMUNITY FOR LANDOWNERS WHO ALLOW RECREATIONAL USE OF  
 3 THEIR PROPERTY; TO AMEND SECTION 89-2-3, MISSISSIPPI CODE OF 1972,  
 4 TO INCLUDE OFF-ROAD VEHICLES AND ALL-TERRAIN VEHICLES AS  
 5 RECREATIONAL ACTIVITIES; TO AMEND SECTIONS 89-2-5 AND 89-2-7,  
 6 MISSISSIPPI CODE OF 1972, TO CONFORM TO THE PRECEDING SECTIONS;  
 7 AND FOR RELATED PURPOSES.

8 BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF MISSISSIPPI:

9 **SECTION 1.** Section 89-2-1, Mississippi Code of 1972, is  
 10 amended as follows:

11 89-2-1. The purpose of this article is to encourage persons  
 12 to make available to the public land and water areas and  
 13 structures on such land or water for outdoor recreational  
 14 purposes. A lessee or owner who opens a land or water area to the  
 15 public for outdoor recreational purposes shall not, by opening  
 16 such land or water for such use:

17 (a) Be presumed to extend any assurance that such land  
 18 \* \* \*, water area or structure on the property is safe for any  
 19 purpose;



20 (b) Incur any duty of care toward a person who goes on  
21 the land or water area; \* \* \*

22 (c) Assume responsibility or become liable or  
23 responsible for any injury to persons or property caused by the  
24 act or omission of a person who goes on the land \* \* \*, water area  
25 or structure \* \* \*;

26 (d) Owes no duty of care to keep such premises safe for  
27 entry or use by others; or

28 (e) Owes no duty to give warning of any hazardous  
29 conditions, use of structure or activities, whether the hazardous  
30 conditions or instrumentality causing the harm is one normally  
31 encountered in the true outdoors or one created by the placement  
32 of structures or conduct of commercial activities on the premises.

33 The foregoing applies, whether the person going on the land  
34 or water area is an invitee, licensee, trespasser or otherwise.

35 **SECTION 2.** Section 89-2-3, Mississippi Code of 1972, is  
36 amended as follows:

37 89-2-3. The term "outdoor recreational purposes" as used in  
38 this article shall include, but not necessarily be limited to,  
39 off-road vehicles, all-terrain vehicles, hunting, fishing,  
40 swimming, boating, camping, picnicking, hiking, pleasure driving,  
41 nature study, water skiing and visiting historical,  
42 archaeological, scenic or scientific sites.

43 **SECTION 3.** Section 89-2-5, Mississippi Code of 1972, is  
44 amended as follows:



45           89-2-5. This article does not relieve any person of  
46 liability which would otherwise exist for deliberate, willful or  
47 malicious injury to persons or property. The provisions hereof  
48 shall not be \* \* \* construed to create or increase the liability  
49 of any person.

50           **SECTION 4.** Section 89-2-7, Mississippi Code of 1972, is  
51 amended as follows:

52           89-2-7. The provisions of this article shall not apply if  
53 any fee is charged for entering or using any part of such land or  
54 water outdoor recreational area or structure located thereon, or  
55 if any concession is operated on said area offering to sell or  
56 selling any item or product to persons entering thereon for  
57 recreational purposes. Said article shall not apply unless public  
58 notice of the availability of such lands for such public use shall  
59 have been published once annually in a newspaper of general  
60 circulation in the county where such lands are situated.

61           **SECTION 5.** This act shall take effect and be in force from  
62 and after July 1, 2024.

