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SENATE BILL 77

**54TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2019**

INTRODUCED BY

William P. Soules

AN ACT

RELATING TO LANDOWNER LIABILITY; LIMITING LIABILITY OF  
LANDOWNERS PERMITTING PERSONS TO EXPLORE CAVES ON PRIVATE  
PROPERTY.

BE IT ENACTED BY THE LEGISLATURE OF THE STATE OF NEW MEXICO:

SECTION 1. Section 17-4-7 NMSA 1978 (being Laws 1967,  
Chapter 6, Section 1, as amended) is amended to read:

"17-4-7. LIABILITY OF LANDOWNER PERMITTING PERSONS TO  
HUNT, FISH OR USE LANDS FOR RECREATION--DUTY OF CARE--  
EXCEPTIONS.--

A. Any owner, lessee or person in control of lands  
who, without charge or other consideration, other than a  
consideration paid to the landowner by the state, the federal  
government or any other governmental agency, grants permission  
to any person or group to use the owner's, lessee's or land

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1 controller's lands for the purpose of hunting, fishing,  
2 trapping, camping, hiking, sightseeing, the operation of  
3 aircraft, cave exploring or any other recreational use does not  
4 thereby:

5 (1) extend any assurance that the premises are  
6 safe for such purpose;

7 (2) assume any duty of care to keep such lands  
8 safe for entry or use;

9 (3) assume responsibility or liability for any  
10 injury or damage to or caused by such person or group; or

11 (4) assume any greater responsibility, duty of  
12 care or liability to such person or group than if permission  
13 had not been granted and the person or group were trespassers.

14 B. This section shall not limit the liability of  
15 any landowner, lessee or person in control of lands that may  
16 otherwise exist by law for injuries to any person granted  
17 permission to hunt, fish, trap, camp, hike, sightsee, operate  
18 aircraft, explore caves or use the land for recreation in  
19 exchange for a consideration, other than a consideration paid  
20 to the landowner by the state, the federal government or any  
21 other governmental agency.

22 C. For the purposes of this section, "cave" means a  
23 natural, geologically formed void or cavity beneath the surface  
24 of the earth, but does not mean a mine, tunnel, aqueduct or  
25 other manmade excavation."

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