

January 28, 2015

The Honorable Robert Rowe, Chairman
and the House Judiciary Committee
NH State House, Room 208
Concord, NH 03301

Re: HB 290, an act relative to the acceptance of risk in outdoor recreational activities.

Dear Chairman Rowe and Members of the Committee,

Please accept this testimony on behalf of the Department of Resources and Economic Development, Division of Parks & Recreation, Bureau of Trails in support of the House Bill 290.

Currently RSA 212:34 Duty of Care and 508:14 Landowner Liability Limited provide exceptional protection for NH Landowners who allow public use of their lands. This bill will further clarify the protections that landowners in New Hampshire have by creating an assumption of risk statement for outdoor recreational users of lands. The language in this bill mirrors the existing language in RSA 215-A:5-c Inherent Dangers of OHRV Operation and RSA 215-C:55. These 2 statutes are statements of risk to motorized outdoor recreational users; however, more and more landowners are asking non-motorized recreational enthusiasts if these statements exist for equestrians, mountain bikers, mushers and others.

This bill will help all outdoor recreational users keep existing access to properties in NH and will further clarify NH's strong tradition of public use of private and other lands. HB 290 is not another statement about how landowners are protected, but rather an acknowledgment by recreational users that they understand and accept the general risks that come with recreating in the natural outdoors settings of NH.

Thank you for considering this testimony in support of HB 290. We are happy to be available to answer questions that you may have regarding our testimony.

Sincerely,

Chris Gamache
Chief

CG/mc