



STATE OF NEW HAMPSHIRE  
DEPARTMENT of RESOURCES and ECONOMIC DEVELOPMENT  
DIVISION of PARKS and RECREATION  
**BUREAU OF TRAILS**

172 Pembroke Road P.O. Box 1856 Concord, New Hampshire 03302-1856  
PHONE: (603) 271-3254 FAX: (603) 271-3553 E-MAIL: [nhtrails@dred.state.nh.us](mailto:nhtrails@dred.state.nh.us)  
WEB: [www.nhtrails.org](http://www.nhtrails.org)

April 28, 2015

The Honorable Sharon Carson, Chairman  
and the Senate Judiciary Committee  
NH State House, Room 100  
Concord, NH 03301

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

Dear Chairwoman Carson 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. I apologize that I am not able to be in attendance at the hearing to give my testimony in person, and instead offer our written comments.

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. Under these existing statutes it is 'implied' that users of others property accept a level of risk, but it is not stated. 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, existing, statutes are statements of risk from 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 does not prohibit outdoor recreationalists from suing a landowner for just cause;

This bill was unanimously supported for passage by the members of the Statewide Trails Advisory Committee; whose membership includes the NH Snowmobile Association, NH Off Highway Vehicle Association, NH Horse Council, NH Mushers Association, New England Mountain Bike Association, NH Municipal Association, White Mountain National Forest and a variety of other organizations. This bill is important for to a wide variety of recreational enthusiasts; and to a wider variety of NH landowners. And, it was the users of these properties that asked for this bill. The outdoor recreationalists have asked us to help them legally accept responsibility for their own actions.

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 great outdoors, on lands that they do not own.

Thank you for considering this testimony in support of HB 290. Feel free to contact me should you require any additional information.

Sincerely,

  
Chris Gamache  
Chief