

Overview of Pennsylvania's Recreational Use of Land and Water Act



The Act limits the liability of property owners who open their land for public recreation, providing them protections against claims of personal injury and property loss.

Introduction

The purpose of the Recreational Use of Land and Water Act (RULWA) is to encourage landowners to make their property available for public recreation.

RULWA limits owners' liability for personal injury and loss of property, whether the problem is blamed on the owners or on recreational users of the land.

RULWA limits the traditional duty of care that owners owe to people entering their land. It provides that **landowners have no duty to keep their land safe for recreational users and have no duty to warn of dangerous conditions**. (This immunity from liability does not protect landowners who *willfully or maliciously* fail to warn of dangerous conditions or who charge for admission.)

This 1966 law, found in Purdon's Pennsylvania Statutes, title 68, sections 477-1 et seq., was amended by the General Assembly in 2007, 2011, and 2018 to enhance protections for owners. The law can be viewed at ConservationTools.org as can the more expansive [Guide to Pennsylvania's Recreational Use of Land and Water Act](#).

Who Is Protected?

RULWA protects public and private landowners as well as tenants, lease holders (such as hunt clubs), and other persons or organizations "in control of the premises." Trail and conservation easement holders are protected if they exercise sufficient control to be viewed as possessors of the land (and, if they don't have that control, then they're not subject to liability at all).

Which Kinds of Recreation Are Covered?

The range of recreational activities covered by RULWA was widened in the 2018 amendment. RULWA now defines "recreational purpose" as "any

activity undertaken or viewed for exercise, sport, education, recreation, relaxation or pleasure."

The Act goes on to state that this:

includes, but is not limited to, any of the following, or any combination thereof: hunting, fishing, swimming, boating, recreational noncommercial aircraft operations or recreational noncommercial ultralight operations on private airstrips, camping, picnicking, hiking, pleasure driving, snowmobiling, all-terrain vehicle and motorcycle riding, nature study, water skiing, water sports, cave exploration and viewing or enjoying historical, archaeological, scenic, or scientific sites.

What Types of Land Are Covered?

Although the plain language of RULWA seemed to apply to all recreational land—improved and unimproved—Pennsylvania courts have ruled that the General Assembly intended for some developed recreational lands to be outside the law's protection. The General Assembly responded by clarifying and elaborating on its intent in its 2018 amendment to the statute. The amendment greatly expanded RULWA's original definition of "land":

"Land" means land, roads, water, watercourses, private ways and buildings, amenities, structures, boating access and launch ramps, bridges, fishing piers, boat docks, ramps, paths, paved or unpaved trails, hunting blinds and machinery or equipment when attached to the realty. The term shall also include areas providing access to, or parking for, lands and waters, including, but not limited to, access ramps, trails or piers for use by recreational users with disabilities. [bold emphasis indicates text added in 2018]

This expanded definition explicitly provides protection for a variety of man-made features, but

uncertainty exists regarding other site improvements that aren't listed. Courts previously have:

- Ruled against RULWA coverage for swimming pools, basketball courts, and playgrounds
- Given mixed signals regarding ballfields—covering a softball field but not baseball, lacrosse, and football fields
- Given an artificial lake RULWA protection but not the lake's dam structure

See the [Guide to Pennsylvania's Recreational Use of Land and Water Act](#) for descriptions of RULWA court cases.

Can Owners Charge Fees?

RULWA protection generally isn't available if owners charge for admission. However, pursuant to the 2018 amendment, the following are allowed without negating RULWA protection:

- Voluntary contributions by recreational users
- In-kind contributions (e.g., receiving the meat of deer hunted on the property)
- Contributions made to an owner that are not retained by the owner and are used by the owner exclusively for: conserving or maintaining the land, paying taxes on the land, or paying for liability insurance on the land

How Public Does the Access Need to Be?

If someone is hurt or their personal property is damaged in association with using a property owner's land, the owner will receive RULWA immunity *even if the owner has not expressly invited or permitted the public to enter the property*. However, where the land is open only to selected people rather than to the public in general, this will weigh against RULWA immunity.

Governmental Immunity

Pennsylvania's governmental immunity statutes, the Tort Claims and Sovereign Immunity Acts, shield municipalities and commonwealth agencies from claims of willful misconduct. Liability only may be imposed upon these entities for their negligent acts. But, if an injury occurs on "land" within the meaning of RULWA, that law shields owners from negligence

suits. In essence, governments are granted complete immunity for certain recreational injuries.

Failure to Warn

Although RULWA immunizes landowners from negligence claims, landowners remain liable for willful or malicious failure to guard or warn recreational users of a dangerous condition. To determine whether a landowner's behavior was willful, courts will look at whether the owner had actual knowledge of the threat and whether the danger would be obvious to entrants. Actual knowledge might be presumed if the owner were aware of prior accidents at the same spot. But if the land contained a dangerous feature that should have been obvious to recreational users, they may be considered to be put on notice, which generally would preclude landowner liability.

Can I Still Be Sued?

The reality is that pretty much anyone can be sued for pretty much anything. RULWA does not prevent landowners from being sued; it provides them with an immunity defense to claims that their negligence caused the plaintiff's injury. However, the General Assembly's 2018 amendment expanded the Act's protections for landowners and should be helpful in reducing frivolous litigation.

Find the most recent version of this guide and related resources at <https://conservationtools.org/guides/175>

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