

JAN 13 2006  
NATURAL RESOURCES

HOUSE FILE 2056  
BY LYKAM, J.R. VAN FOSSEN,  
and HUTTER

(COMPANION TO LSB 5478SS BY  
TINSMAN)

Passed House, Date \_\_\_\_\_ Passed Senate, Date \_\_\_\_\_  
Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_ Vote: Ayes \_\_\_\_\_ Nays \_\_\_\_\_  
Approved \_\_\_\_\_

**A BILL FOR**

1 An Act allowing private landowners limited immunity from premises  
2 liability during urban deer control hunts.

3 BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF IOWA:

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HF 2056

1 Section 1. Section 461C.1, Code 2005, is amended to read  
2 as follows:

3 461C.1 PURPOSE.

4 The purpose of this chapter is to encourage private owners  
5 of land to make land and water areas available to the public  
6 for recreational purposes and for urban deer control by  
7 limiting their liability toward persons entering thereon for  
8 such purposes.

9 Sec. 2. Section 461C.2, subsection 3, Code 2005, is  
10 amended to read as follows:

11 3. "Land" means private land located in a municipality  
12 including abandoned or inactive surface mines, caves, and land  
13 used for agricultural purposes, including marshlands, timber,  
14 grasslands and the privately owned roads, water, water  
15 courses, private ways and buildings, structures and machinery  
16 or equipment appurtenant thereto.

17 Sec. 3. Section 461C.2, Code 2005, is amended by adding  
18 the following new subsections:

19 NEW SUBSECTION. 3A. "Municipality" means any city or  
20 county in the state.

21 NEW SUBSECTION. 5. "Urban deer control" means deer  
22 hunting with a bow and arrow on private land in a  
23 municipality, without charge, as authorized by a municipal  
24 ordinance, for the purpose of reducing or stabilizing an urban  
25 deer population in the municipality.

26 Sec. 4. Section 461C.3, Code 2005, is amended to read as  
27 follows:

28 461C.3 LIABILITY OF OWNER LIMITED.

29 Except as specifically recognized by or provided in section  
30 461C.6, an owner of land owes no duty of care to keep the  
31 premises safe for entry or use by others for recreational  
32 purposes or urban deer control, or to give any warning of a  
33 dangerous condition, use, structure, or activity on such  
34 premises to persons entering for such purposes.

35 Sec. 5. Section 461C.4, unnumbered paragraph 1, Code 2005,

1 is amended to read as follows:

2 Except as specifically recognized by or provided in section  
3 461C.6, a holder of land who either directly or indirectly  
4 invites or permits without charge any person to use such  
5 property for recreational purposes or urban deer control does  
6 not thereby:

7 Sec. 6. Section 461C.5, Code 2005, is amended to read as  
8 follows:

9 461C.5 DUTIES AND ABILITIES OF OWNER OF LEASED LAND.

10 Unless otherwise agreed in writing, the provisions of  
11 sections 461C.3 and 461C.4 shall be deemed applicable to the  
12 duties and liability of an owner of land leased, or any  
13 interest or right therein transferred to, or the subject of  
14 any agreement with, the United States or any agency thereof,  
15 or the state or any agency or subdivision thereof, for  
16 recreational purposes or urban deer control.

17 Sec. 7. Section 461C.6, subsection 2, Code 2005, is  
18 amended to read as follows:

19 2. For injury suffered in any case where the owner of land  
20 charges the person or persons who enter or go on the land for  
21 the recreational use thereof or for deer hunting, except that  
22 in the case of land or any interest or right therein, leased  
23 or transferred to, or the subject of any agreement with, the  
24 United States or any agency thereof or the state or any agency  
25 thereof or subdivision thereof, any consideration received by  
26 the holder for such lease, interest, right or agreement, shall  
27 not be deemed a charge within the meaning of this section.

28 Sec. 8. Section 461C.7, subsection 2, Code 2005, is  
29 amended to read as follows:

30 2. Relieve any person using the land of another for  
31 recreational purposes or urban deer control from any  
32 obligation which the person may have in the absence of this  
33 chapter to exercise care in the use of such land and in the  
34 person's activities thereon, or from the legal consequences of  
35 failure to employ such care.



1 municipal ordinance.

2 The bill defines "urban deer control" as deer hunting with  
3 a bow and arrow on private land in a municipality, without  
4 charge, as authorized by a municipal ordinance, for the  
5 purpose of reducing or stabilizing an urban deer population in  
6 the municipality.

7 The bill provides that such a landowner does not owe a duty  
8 of care to keep the premises safe for entry or use by such  
9 deer hunters, or to give warnings of dangerous conditions,  
10 uses, structures, or activities on the premises to such deer  
11 hunters. The bill also provides that the deer hunters do not  
12 have the status of invitees or licensees.

13 The bill does not limit the landowner's liability for a  
14 malicious failure to warn of danger or for injuries that occur  
15 when the landowner charges the hunter to go on the land.

16 The bill does not create a duty of care or ground of  
17 liability for injury to persons or property. The bill does  
18 not relieve a deer hunter from any obligation to exercise care  
19 in the use of the land and in the deer hunter's activities, or  
20 from the legal consequences of the hunter's failure to employ  
21 such care.

22 The bill allows a municipality, i.e., any city or county in  
23 the state, to adopt an ordinance authorizing trained,  
24 volunteer hunters to hunt deer with a bow and arrow within the  
25 municipality, without charge, for the purpose of urban deer  
26 control.

27 The municipal ordinance is required to specify how a person  
28 qualifies to participate in urban deer control, where urban  
29 deer control can occur, and the conditions under which urban  
30 deer control can be conducted, which are intended to minimize  
31 the risk of injury to persons and property.

32 A hunter who participates in urban deer control pursuant to  
33 a municipal ordinance is required to be otherwise qualified to  
34 hunt deer in this state, have a hunting license and pay the  
35 wildlife habitat fee, and obtain a special deer hunting

1 license valid only for the dates, locations, and type of deer  
2 specified on the license. Such special deer hunting licenses  
3 are available only to residents and cost the same as deer  
4 hunting licenses issued during general deer seasons, which is  
5 \$25.50. The natural resource commission may establish  
6 procedures for issuing more than one license per person as  
7 necessary to achieve the purposes of urban deer control, and  
8 the cost of each additional license is \$10.

9 An urban deer control ordinance is not effective until it  
10 has been approved by the department of natural resources. The  
11 department is also required to adopt rules in accordance with  
12 Code chapter 17A necessary for the administration of the  
13 ordinance provision.

14 Limited immunity from premises liability is currently  
15 available to private landowners who allow public use of their  
16 land without charge for recreational purposes such as hunting,  
17 trapping, horseback riding, fishing, swimming, and similar  
18 activities.

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