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HOUSE BILL 29

57TH LEGISLATURE - STATE OF NEW MEXICO - FIRST SESSION, 2025

INTRODUCED BY

Kathleen Gates

AN ACT

RELATING TO GAME AND FISH; EXPANDING THE LIMITATION OF
LIABILITY OF LANDOWNERS TO INCLUDE SPECIAL DISTRICTS ORGANIZED
PURSUANT TO CHAPTER 73 NMSA 1978.

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]~~ An owner, a lessee, ~~[or]~~ a person or a
special district organized pursuant to Chapter 73 NMSA 1978 in
control of lands ~~[who]~~ that, without charge or other
consideration, other than a consideration paid to the landowner
by the state, the federal government or any other governmental

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underscoring material = new
~~[bracketed material] = delete~~

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1 agency, grants permission to any person or group to use the
2 owner's, lessee's or land controller's lands for the purpose of
3 hunting, fishing, trapping, camping, hiking, sightseeing, the
4 operation of aircraft, cave exploring or any other recreational
5 use does not thereby:

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

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

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

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

15 B. This section shall not limit the liability of
16 [~~any~~] a landowner, lessee, [~~or~~] person or special district
17 organized pursuant to Chapter 73 NMSA 1978 in control of lands
18 that may otherwise exist by law for injuries to any person
19 granted permission to hunt, fish, trap, camp, hike, sightsee,
20 operate aircraft, explore caves or use the land for recreation
21 in exchange for a consideration, other than a consideration
22 paid to the landowner by the state, the federal government or
23 any other governmental agency.

24 C. For the purposes of this section, "cave" means a
25 natural, geologically formed void or cavity beneath the surface

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1 of the earth, but does not mean a mine, tunnel, aqueduct or
2 other manmade excavation."

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