



HOUSE BILL 447: Attractive Nuisances.

**This Bill Analysis
reflects the contents
of the bill as it was
presented in
committee.**

2019-2020 General Assembly

Committee:	House Judiciary. If favorable, re-refer to Rules, Calendar, and Operations of the House	Date:	April 29, 2019
Introduced by:	Reps. Zachary, Dixon	Prepared by:	Tawanda N. Foster
Analysis of:	First Edition		Committee Co-Counsel

OVERVIEW: *House Bill 447 defines a possessor's liability for bodies of water on the possessor's land in regard to child trespassers.*

CURRENT LAW: Chapter 38B of the General Statutes, known as the Trespasser Responsibility Act, provides a general rule and exceptions to that rule related to trespasser responsibility and possessor liability.

G.S. 38B-3(2) provides a possessor of land may be subject to liability when a child trespasser suffers bodily injury or death resulting from an artificial condition on the land.

BILL ANALYSIS: This bill adds a provision to provide a possessor will not be liable for a condition that is a body of water unless the possessor creates or causes to be created a sandy area for swimmers or makes other improvements that make the body of water attractive to a child trespasser.

This bill also defines what constitutes a body of water under this subdivision.

EFFECTIVE DATE: This act becomes effective October 1, 2019, and applies to injuries occurring on or after that date.

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