DISCLAIMER

The South Carolina Legislative Council is offering access to the unannotated South Carolina Code of Laws on the Internet as a service to the public. The unannotated South Carolina Code on the General Assembly's website is now current through the 2012 session. The unannotated South Carolina Code, consisting only of Code text, numbering, and history may be copied from this website at the reader's expense and effort without need for permission.

The Legislative Council is unable to assist users of this service with legal questions. Also, legislative staff cannot respond to requests for legal advice or the application of the law to specific facts. Therefore, to understand and protect your legal rights, you should consult your own private lawyer regarding all legal questions.

While every effort was made to ensure the accuracy and completeness of the unannotated South Carolina Code available on the South Carolina General Assembly's website, the unannotated South Carolina Code is not official, and the state agencies preparing this website and the General Assembly are not responsible for any errors or omissions which may occur in these files. Only the current published volumes of the South Carolina Code of Laws Annotated and any pertinent acts and joint resolutions contain the official version.

Please note that the Legislative Council is not able to respond to individual inquiries regarding research or the features, format, or use of this website. However, you may notify Legislative Printing, Information and Technology Systems at LPITS@scstatehouse.gov regarding any apparent errors or omissions in content of Code sections on this website, in which case LPITS will relay the information to appropriate staff members of the South Carolina Legislative Council for investigation.

CHAPTER 3.

 LIMITATION ON LIABILITY OF LANDOWNERS

**SECTION 27‑3‑10.** Declaration of purpose.

 The purpose of this chapter is to encourage owners of land to make land and water areas available to the public for recreational purposes by limiting their liability toward persons entering thereon for such purposes.

HISTORY: 1962 Code Section 51‑81; 1968 (55) 3047.

**SECTION 27‑3‑20.** Definitions.

 As used in this chapter:

 (a) "Land" means land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the realty.

 (b) "Owner" means the possessor of a fee interest, a tenant, lessee, occupant or person in control of the premises.

 (c) "Recreational purpose" includes, but is not limited to, any of the following, or any combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, summer and winter sports and viewing or enjoying historical, archaeological, scenic, or scientific sites.

 (d) "Charge" means the admission price or fee asked in return for invitation or permission to enter or go upon the land.

 (e) "Persons" means individuals regardless of age.

HISTORY: 1962 Code Section 51‑82; 1968 (55) 3047.

**SECTION 27‑3‑30.** Duty of care.

 Except as specifically recognized by or provided in Section 27‑3‑60, an owner of land owes no duty of care to keep the premises safe for entry or use by persons who have sought and obtained his permission to use it for recreational purposes or to give any warning of a dangerous condition, use, structure, or activity on such premises to such persons entering for such purposes.

HISTORY: 1962 Code Section 51‑83; 1968 (55) 3047.

**SECTION 27‑3‑40.** Effect of permission to use property for recreational purposes.

 Except as specifically recognized by or provided in Section 27‑3‑60, an owner of land who permits without charge any person having sought such permission to use such property for recreational purposes does not thereby:

 (a) Extend any assurance that the premises are safe for any purpose.

 (b) Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed.

 (c) Assume responsibility for or incur liability for any injury to person or property caused by an act of omission of such persons.

HISTORY: 1962 Code Section 51‑84; 1968 (55) 3047.

**SECTION 27‑3‑50.** Application of Sections 27‑3‑30 and 27‑3‑40 to land leased to State or political subdivisions.

 Unless otherwise agreed in writing, the provisions of Sections 27‑3‑30 and 27‑3‑40 shall be deemed applicable to the duties and liability of an owner of land leased to the State or any subdivision thereof for recreational purposes.

HISTORY: 1962 Code Section 51‑85; 1968 (55) 3047.

**SECTION 27‑3‑60.** Certain liability not limited.

 Nothing in this chapter limits in any way any liability which otherwise exists:

 (a) For grossly negligent, willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity.

 (b) For injury suffered in any case where the owner of land charges persons who enter or go on the land for the recreational use thereof, except that in the case of land leased to the State or a subdivision thereof, any consideration received by the owner for such lease shall not be deemed a charge within the meaning of this section.

HISTORY: 1962 Code Section 51‑86; 1968 (55) 3047.

**SECTION 27‑3‑70.** Construction.

 Nothing in this chapter shall be construed to:

 (a) Create a duty of care or ground of liability for injury to persons or property.

 (b) Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this chapter to exercise care in his use of such land and in his activities thereon, or from the legal consequences of failure to employ such care.

HISTORY: 1962 Code Section 51‑87; 1968 (55) 3047.