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) “Aviation activities” means taking off, flying, or landing an airplane or aircraft. Aviation activities do not include airshows or any activity where the general public is invited.

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

 (c) “Owner” means the possessor of a fee interest, a tenant, lessee, occupant, easement holder, or person in control of the premises.

 (d) “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, aviation activities, and viewing or enjoying historical, archaeological, scenic, or scientific sites.

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

 (f) “Persons” means individuals regardless of age.

HISTORY: 1962 Code Section 51‑82; 1968 (55) 3047; 2014 Act No. 255 (H.4673), Section 1, eff June 6, 2014.

Effect of Amendment

2014 Act No. 255, Section 1, added subsection (a), defining “aviation activities”; redesignated the subsections accordingly; in subsection (c), inserted “easement holder,”; and in subsection (d), inserted “, aviation activities,”.

**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.