

51-3-20

TITLE 51. TORTS

Chapter 51-3 Liability of Owners and Occupiers of Land

**51-3-20 Purpose of article.**

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

51-3-21

TITLE 51. TORTS

Chapter 51-3 Liability of Owners and Occupiers of Land

**51-3-21 Definitions.**

As used in this article, the term:

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

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

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

(4) "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, winter sports, and viewing or enjoying historical, archeological, scenic, or scientific sites.

51-3-22

TITLE 51. TORTS

Chapter 51-3 Liability of Owners and Occupiers of Land

**51-3-22 Duty of owner of land to those using same for recreation generally.**

Except as specifically recognized by or provided in Code Section 51-3-25, an owner of land owes no duty of care to keep the premises safe for entry or use by others for recreational purposes or to give any warning of a dangerous condition, use, structure, or activity on the premises to persons entering for recreational purposes.

51-3-23

TITLE 51. TORTS

Chapter 51-3 Liability of Owners and Occupiers of Land

**51-3-23 Effect of invitation or permission to use land for recreation.**

Except as specifically recognized by or provided in Code Section 51-3-25, an owner of land who either directly or indirectly invites or permits without charge any person to use the property for recreational purposes does not thereby:

- (1) Extend any assurance that the premises are safe for any purpose;
- (2) Confer upon such person the legal status of an invitee or licensee to whom a duty of care is owed; or
- (3) Assume responsibility for or incur liability for any injury to person or property caused by an act of omission of such persons.

51-3-24

TITLE 51. TORTS

Chapter 51-3 Liability of Owners and Occupiers of Land

**51-3-24 Applicability of Code Sections 51-3-22 and 51-3-23 to owner of land leased to state or subdivision for recreation.**

Unless otherwise agreed in writing, Code Sections 51-3-22 and 51-3-23 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.

51-3-25

TITLE 51. TORTS

Chapter 51-3 Liability of Owners and Occupiers of Land

**51-3-25 Certain liability not limited.**

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

- (1) For willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity; or
- (2) For injury suffered in any case when the owner of land charges the person or 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 the lease shall not be deemed a charge within the meaning of this Code section.

51-3-26

TITLE 51. TORTS

Chapter 51-3 Liability of Owners and Occupiers of Land

**51-3-26 Construction of article.**

Nothing in this article shall be construed to:

- (1) Create a duty of care or ground of liability for injury to persons or property; or
- (2) Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this article to exercise care in his use of the land and in his activities thereon or from the legal consequences of failure to employ such care.