

TITLE 32

Parks and Recreational Areas

CHAPTER 32-6

Public Use of Private Lands—Liability Limitations

SECTION 32-6-1

§ 32-6-1 Purpose of chapter. – 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 to persons entering thereon for those purposes.

SECTION 32-6-2

§ 32-6-2 Definitions. – As used in this chapter:

- (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 private owner possessor of a fee interest, or tenant, lessee, occupant, or person in control of the premises including the state and municipalities;
- (4) "Recreational purposes" includes, but is not limited to, any of the following, or any combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking, horseback riding, bicycling, pleasure driving, nature study, water skiing, water sports, viewing or enjoying historical, archaeological, scenic, or scientific sites, and all other recreational purposes contemplated by this chapter; and
- (5) "User" means any person using land for recreational purposes.

SECTION 32-6-3

§ 32-6-3 Liability of landowner. – Except as specifically recognized by or provided in § 32-6-5, an owner of land who either directly or indirectly invites or permits without charge any person to use that property for recreational purposes does not thereby:

- (1) Extend any assurance that the premises are safe for any purpose;
- (2) Confer upon that person the legal status of an invitee or licensee to whom a duty of care is owed; nor
- (3) Assume responsibility for or incur liability for any injury to any person or property caused by an act of omission of that person.

SECTION 32-6-4

§ 32-6-4 Land leased to state. – Unless otherwise agreed in writing, the provisions of § 32-6-3 and this section shall be deemed applicable to the duties and liability of an owner of land leased to the state or any subdivision or agency thereof or land which the state or any subdivision or agency thereof possesses an easement for recreational purposes.

SECTION 32-6-5

§ 32-6-5 Limitation on chapter. – (a) Nothing in this chapter limits in any way any liability which, but for this chapter, otherwise exists:

- (1) For the willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity after discovering the user's peril; or
 - (2) For any injury suffered in any case where 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 that lease shall not be deemed a "charge" within the meaning of this section.
- (b) When the coastal resources management council designates a right-of-way as part of its designation process as specified in § 46-23-6(E), or when the coastal resources management council stipulates public access as a condition of granting a permit, the landowner automatically will have "limited liability" as defined in this chapter, except as specifically recognized by or provided in this section.

SECTION 32-6-6

§ 32-6-6 Construction of chapter. – Nothing in this chapter shall be construed to:

- (1) Create a duty of care or ground of liability for an injury to persons or property;
- (2) Relieve any person using the land of another for recreational purposes from any obligation which he or she may have in the absence of this chapter to exercise care in his use of that land and in his or her activities thereon, or from the legal consequences of the failure to employ that care; or
- (3) Create a public or prescriptive right or easement running with the land.

SECTION 32-6-7

§ 32-6-7 [Repealed]. –

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