

*company and not receiving similar service from another company if no certificate of territorial authority has been issued to or applied for by any other company.*

*Subd. 5. Any certificate of territorial authority may, after notice of hearing and a hearing, be revoked by the commission, in whole or in part, for the failure of the holder thereof to furnish reasonably adequate telephone service within the area or areas determined and defined in such certificate of territorial authority.*

*Subd. 6. Nothing contained in this act shall be construed to require any telephone company operating exchanges in the state of Minnesota to render telephone service in any portion of any territorial area in which such telephone company does not render and does not propose to render telephone service.*

Approved April 20, 1961.

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#### CHAPTER 638—H. F. No. 1294

[Coded]

*An act relating to public recreational use of privately owned lands or waters; limiting the effects of such use with respect to dedication and liability for injuries.*

Be it enacted by the Legislature of the State of Minnesota:

**Section 1. [87.01] Public recreational use of privately owned lands and waters; policy.** It is the policy of the state, in furtherance of the public health and welfare, to encourage and promote the use of privately owned lands and waters by the public for beneficial outdoor recreational purposes, and the provisions of sections 1 to 4 are enacted to that end.

**Sec. 2. [87.02] Definitions.** Subdivision 1. The definitions given in this section shall obtain for the purposes of sections 1 to 4, except as otherwise specified or indicated by the context.

**Subd. 2.** "Outdoor recreational use" includes, without limitation, hunting, fishing, boating, swimming, walking, climbing, skating, skiing on land or water, snowshoeing, riding, camping, picnicking, participating in outdoor sports or games, nature study, and other pursuits for the purpose of outdoor recreation.

**Changes or additions indicated by *italics*, deletions by ~~strikeout~~.**

Subd. 3. "Free recreational area" means any privately owned area of land or water which the owner or the person having the right of possession and control thereof has made subject to any recreational use or uses by the public without compensation, evidenced by written declaration describing the area and specifying the free public uses permitted therein, executed by such owner or person as provided by law for a conveyance of land, and recorded in the office of the register of deeds of the county wherein the area is situated. Such declaration shall run with the land and remain in effect until modified or revoked by written instrument executed by the fee owner and recorded in like manner.

Sec. 3. [87.03] **Dedication.** No dedication of any free recreational area or part thereof to any outdoor recreational use by the public specified in the applicable declaration of record shall take effect in consequence of the exercise of such use for any length of time hereafter except as expressly permitted or provided by the owner. No dedication of any road, path, trail, portage, waterway, or other passage-way through or over any such area for the purpose of or in connection with any outdoor recreational use by the public specified in the applicable declaration of record shall take effect in consequence of the exercise of such use for any length of time hereafter except as expressly permitted or provided by the owner or as otherwise expressly provided by Laws 1959, Chapter 500, Article I, Sections 5 and 6, or other legislative act.

Sec. 4. [87.04] **Liability for injuries.** No liability or cause of action for any injury to person or property occurring in the course of or in connection with any outdoor recreational use of any free recreational area specified in the applicable declaration of record in so far as such injury was caused or contributed to by any natural or artificial object, structure, or condition existing therein shall lie against the owner or the person having the right of possession and control of the area; provided, that this shall not relieve any person from civil or criminal liability for negligence as defined by Minnesota Statutes 1957, Section 610.02.

Sec. 5. [87.05] **Actions pending.** The provisions of sections 3 and 4 shall not affect any action pending at the time of the taking effect hereof.

Approved April 20, 1961.