

## CHAPTER 87

## PRIVATE LANDS AND WATERS, PUBLIC USE

87.01	Policy.	87.023	Landowner's liability.
87.021	Definitions.	87.024	Liability; leased land.
87.022	Landowner's duty; warnings.	87.025	Landowner's liability; not limited.
87.0221	Owner's duty of care or duty to give warnings.	87.026	Land user's liability.
		87.03	Dedication.

**87.01 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 recreational purposes, and the provisions of this chapter are enacted to that end.

**History:** 1961 c 638 s 1; 1971 c 946 s 1

**87.02** [ Repealed, 1971 c 946 s 9 ]

**87.021 DEFINITIONS.**

Subdivision 1. For the purposes of this chapter the terms defined in this section have the meanings given them, except where the context clearly indicates otherwise.

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

Subd. 3. "Owner" means the possessor of a fee interest or a life estate, a tenant, lessee, occupant or person in control of the premises.

Subd. 4. "Recreational purpose" includes, but is not limited to, any of the following, or any combination thereof: hunting, trapping, fishing, swimming, boating, camping, picnicking, hiking, bicycling, horseback riding, pleasure driving including snowmobiling and the operation of any motorized vehicle or conveyance upon a road or upon or across any land in any manner whatsoever, nature study, water skiing, winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites.

Subd. 5. "Charge" means the admission price or fee received in return for invitation or permission to enter or go upon the land.

**History:** 1971 c 946 s 2

**87.022 LANDOWNER'S DUTY; WARNINGS.**

Except as specifically recognized by or provided in section 87.025, an owner of land owes no duty of care to render or maintain the premises safe for entry or use by others for recreational purposes.

**History:** 1971 c 946 s 3

**87.0221 OWNER'S DUTY OF CARE OR DUTY TO GIVE WARNINGS.**

Except as specifically recognized by or provided in section 87.025, an owner of land (a) owes no duty of care to render or maintain his land safe for entry or use by other persons with a motorized recreational vehicle for recreational purposes, (b) owes no duty to warn those persons of any dangerous condition on the land, whether patent or latent, (c) owes no duty of care toward those persons except to refrain from willfully taking action to cause injury, and (d) owes no duty to curtail his use of his land during its use for recreational purposes.

**History:** 1973 c 703 s 1

#### **87.023 LANDOWNER'S LIABILITY.**

Except as specifically recognized by or provided in section 87.025, an owner of land who either directly or indirectly invites or permits without charge any person 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:** 1971 c 946 s 4

#### **87.024 LIABILITY; LEASED LAND.**

Unless otherwise agreed in writing, the provisions of sections 87.022 and 87.023 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:** 1971 c 946 s 5

#### **87.025 LANDOWNER'S LIABILITY; NOT LIMITED.**

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

- (a) For conduct which, at law, entitles a trespasser to maintain an action and obtain relief for the conduct complained of;
- (b) For 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 from the state or subdivision thereof by the owner for such lease shall not be deemed a charge within the meaning of this section.

**History:** Ex1971 c 3 s 88 subd 1

#### **87.026 LAND USER'S LIABILITY.**

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:** 1971 c 946 s 7

#### **87.03 DEDICATION.**

No dedication of any land in connection with any use by any person for a recreational purpose 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 sections 160.05 and 160.06, or other legislative act.

**History:** 1961 c 638 s 3; 1963 c 207 s 2; 1971 c 946 s 8

#### **87.04 [ Repealed, 1971 c 946 s 9 ]**