

## CHAPTER 87

## PRIVATE LANDS AND WATERS, PUBLIC USE

87.01	Policy.	87.024	Liability; leased land, water filled mine pits.
87.021	Definitions.	87.025	Owner's liability; not limited.
87.0221	Owner's duty of care or duty to give warnings.	87.026	Land user's liability.
87.023	Owner'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**87.02** [Repealed, 1971 c 946 s 9]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 privately owned or leased land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the land.

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

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, firewood gathering, 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 any admission price asked or charged for services, entertainment, recreational use or other activity or the offering of products for sale to the recreational user by a commercial for profit enterprise directly related to the use of the land.

**History:** 1971 c 946 s 2; 1982 c 373 s 1-4

**87.022** [Repealed, 1982 c 373 s 9]

**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 (a) owes no duty of care to render or maintain the land safe for entry or use by other persons 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 use of the land during its use for recreational purposes.

**History:** 1973 c 703 s 1; 1982 c 373 s 5; 1986 c 444

**87.023 OWNER'S LIABILITY.**

Except as provided in section 87.025, an owner who either directly or indirectly

invites or permits without charge any person to use the land for recreational purposes does not thereby:

- (a) Extend any assurance that the land is 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 or omission of such persons.

**History:** 1971 c 946 s 4; 1982 c 373 s 6; 1986 c 444

#### **87.024 LIABILITY; LEASED LAND, WATER FILLED MINE PITS.**

Unless otherwise agreed in writing, the provisions of sections 87.0221 and 87.023 shall be deemed applicable to the duties and liability of an owner of the following described land: (1) land leased to the state or any subdivision thereof for recreational purposes; or (2) idled or abandoned, water filled, mine pits whose pit walls may slump or cave, and to which water the public has access from a water access site operated by a public entity.

**History:** 1971 c 946 s 5; 1987 c 384 art 2 s 1; 1988 c 530 s 3

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

Except as provided in this chapter nothing herein 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 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; 1982 c 373 s 7

#### **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 the person may have in the absence of this chapter to exercise care in use of such land and in the person's activities thereon, or from the legal consequences of failure to employ such care.

**History:** 1971 c 946 s 7; 1986 c 444

#### **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.

**History:** 1961 c 638 s 3; 1963 c 207 s 2; 1971 c 946 s 8; 1982 c 373 s 8

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