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States' Recreational Use Statutes

State of Arkansas

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States' Recreational Use Statutes

STATE OF ARKANSAS

AR ST § 18-11-301 to § 18-11-307

Current through end of 2007 Regular Session

§ 18-11-301. Purpose of subchapter

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

§ 18-11-302. Definitions

As used in this subchapter:

- (1) "Charge" means an admission fee for permission to go upon or use the land, but does not include:
 - (A) The sharing of game, fish, or other products of recreational use; or
 - (B) Contributions in kind, services, or cash paid to reduce or offset costs and eliminate losses from recreational use;
- (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, lessee, holder of a conservation easement as defined in § 15-20-402, occupant, or person in control of the premises;
- (4) "Public" and "person" includes the Young Men's Christian Association (Y.M.C.A.), Young Women's Christian Association (Y.W.C.A.), Boy Scouts of America, Girl Scouts of the United States of America, Boys Clubs of America, Girls Clubs of America, churches, religious organizations, fraternal organizations and other similar organizations; and
- (5) "Recreational purpose" includes, but is not limited to, any of the following, or any combination thereof:

- (A) Hunting;
- (B) Fishing;
- (C) Swimming;
- (D) Boating;
- (E) Camping;
- (F) Picnicking;
- (G) Hiking;
- (H) Pleasure driving;
- (I) Nature study;
- (J) Water skiing;
- (K) Winter sports;
- (L) Spelunking;
- (M) Viewing or enjoying historical, archeological, scenic, or scientific sites; and
- (N) Any other activity undertaken for exercise, education, relaxation, or pleasure on land owned by another.

§ 18-11-303. Construction of subchapter

Nothing in this subchapter 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 or she may have in the absence of this subchapter to exercise care in his or her use of the land and in his or her activities thereon or relieve any person from the legal consequences of failure to employ such care.

§ 18-11-304. Duty of care

Except as specifically recognized by or provided in § 18-11-307, 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.

§ 18-11-305. Limitation on liability

Except as specifically recognized by or provided in § 18-11-307, an owner of land who, either directly or indirectly, invites or permits without charge any person to use his or her property for recreational purposes does not thereby:

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

(4) Assume responsibility for or incur liability for injury to the person or property caused by any natural or artificial condition, structure, or personal property on the land.

§ 18-11-306. Land leased to state

Unless otherwise agreed in writing, the provisions of §§ 18-11-304 and 18-11-305 are applicable to the duties and liability of:

- (1) An owner of land leased to the state or a political subdivision of the state for recreational purposes;
- (2) An owner of an interest in the real property burdened by a conservation easement as defined in § 15-20-402; or
- (3) A holder of a conservation easement as defined in § 15-20-402.

§ 18-11-307. Owner's liability

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

- (1) For malicious, but not mere negligent, failure to guard or warn against an ultra-hazardous condition, structure, personal property, use, or activity actually known to the owner to be dangerous; and
- (2) For injury suffered in any case in which 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, a subdivision thereof, or to a third person, any consideration received by the owner for the lease shall not be deemed a charge within the meaning of this section.