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States' Recreational Use Statutes:

Tennessee



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[Tenn. Code. Ann. § 11-10-101 to § 11-10-103 ; § 11-10-104 ; § 70-7-101 to § 70-7-105](#)

Current with laws from the 2022 Second Regular Sess. of the 112th Tennessee General Assembly, eff. through July 1, 2022.

§ 11-10-101. Definitions

As used in this chapter, unless the context otherwise requires:

- (1) “Charge” means the amount of money asked in return for an invitation to enter or go upon the land;
- (2) “Conservation easement” means a conservation easement as defined in § 66-9-303;
- (3) “Land” includes, but is not limited to, roads, water, watercourses, private ways and buildings, structures and machinery or equipment thereon when attached to the realty;
- (4) “Owner” includes, but is not limited to, tenant, lessee, occupant or person in control of the premises;
- (5) “Public use easement” means a public use easement as defined in § 11-13-102; and
- (6) “Recreational purposes” includes, but is not limited to, anyone (1) or any combination of the following: hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, winter sports, and visiting, viewing or enjoying historical, archaeological, scenic or scientific sites, or otherwise using land for purposes of the user.

§ 11-10-102. Duties of owners of land leased to government for recreational purposes

- (a) Unless otherwise agreed in writing, an owner of land leased to the state or any agency thereof, or any county or municipality or agency thereof, for recreational purposes, owes no duty of care to keep that land safe for entry or use by others or to give warning to persons entering or going upon such land of any dangerous or hazardous conditions, uses, structures or activities thereon.



(b) An owner who leases land to the state or any agency thereof, or any county or municipality or agency thereof, for recreational purposes, shall not by giving such lease:

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

(c) This section applies whether the person entering upon the leased land is an invitee, licensee, trespasser or otherwise.

§ 11-10-104. Effect on existing liabilities

(a) Nothing in this chapter shall be construed as limiting in any way any liability which otherwise exists:

- (1) For willful or malicious failure to guard or warn against a dangerous or hazardous condition, use, structure, or activity; or
- (2) For injury suffered in any case where the owner of land charges the person or persons who enter or go on the land other than the amount, if any, paid to the owner of the land by the state or any agency thereof, or any county or municipality or agency thereof.

(b) Nothing in this chapter shall be deemed to create a duty of care or ground of liability for injury to person or property, and nothing in this chapter shall limit in any way the obligation of a person entering upon or using the land of another for recreational purposes to exercise due care in such person's use of such land and in such person's activities thereon.

§ 70-7-101. Definitions

As used in this part, unless the context otherwise requires:

- (1)
 - (A) “Land” or “premises” means and includes all real property, waters, private ways, trees and any building or structure that might be located on real property, waters and private ways;



(B) “Land” or “premises” includes real property, waters, private ways, trees and any building or structure located on the land or premises, owned by any governmental entity, including, but not limited to, the Tennessee valley authority; and

(C) “Land” or “premises” does not include the landowner's principal place of residence and any improvements erected for recreational purposes that immediately surround such residence, including, but not limited to, swimming pools, tennis or badminton courts, barbecue or horseshoe pits, jacuzzis, hot tubs or saunas;

(2)

(A) “Landowner” means the legal title holder or owner of such land or premises, or the person entitled to immediate possession of the land or premises, and includes any lessee, occupant or any other person in control of the land or premises; and

(B) “Landowner” includes any governmental entity.

§ 70-7-102. Landowners; safety; duty of care

(a) The landowner, lessee, occupant, or any person in control of land or premises owes no duty of care to keep such land or premises safe for entry or use by others for such recreational activities as hunting, fishing, trapping, camping, water sports, white water rafting, canoeing, hiking, sightseeing, animal riding, bird watching, dog training, boating, caving, fruit and vegetable picking for the participant's own use, nature and historical studies and research, rock climbing, skeet and trap shooting, sporting clays, shooting sports, and target shooting, including archery and shooting range activities, skiing, off-road vehicle riding, and cutting or removing wood for the participant's own use, nor shall such landowner be required to give any warning of hazardous conditions, uses of, structures, or activities on such land or premises to any person entering on such land or premises for such purposes, except as provided in § 70-7-104.

(b) The landowner, lessee, occupant, or any person in control of land or premises owes no duty of care to keep such land or premises safe for entry or use by others for recreational noncommercial aircraft operations or recreational noncommercial ultra light vehicle operations on private airstrips except as to known hazards or defects and except as provided in § 70-7-104.

§ 70-7-103. Landowners; permission; duty of care

Any landowner, lessee, occupant, or any person in control of the land or premises or such person's agent who gives permission to another person to hunt, fish, trap, camp, engage in water sports, participate in white water rafting or canoeing,



hike, sightsee, ride animals, bird watch, train dogs, boat, cave, pick fruit and vegetables for the participant's own benefit, engage in nature and historical studies and research, climb rocks, shoot skeet and trap, engage in sporting clays, shooting sports, and target shooting, including archery and shooting range activities, ski, ride off-road vehicles, recreational noncommercial aircraft operations or recreational noncommercial ultra-light vehicle operations on private airstrips, and cut and remove wood for the participant's own use upon such land or premises does not by giving such permission:

- (1) Extend any assurance that the premises are safe for such purpose;
- (2) Constitute the person to whom permission has been granted to legal status of an invitee to whom a duty of care is owed; or
- (3) Assume responsibility for or incur liability for any injury to such person or purposely caused by any act of such person to whom permission has been granted except as provided in § 70-7-104.

§ 70-7-104. Liability; applicability

(a) This part does not limit the liability that otherwise exists for:

- (1) Gross negligence, willful or wanton conduct that results in a failure to guard or warn against a dangerous condition, use, structure or activity; or
- (2) Injury caused by acts of persons to whom permission to hunt, fish, trap, camp, hike, sightsee, cave, recreational noncommercial aircraft operations or recreational noncommercial ultra-light vehicle operations on private airstrips, or any other legal purpose was granted, to third persons or to persons to whom the person granting permission, or the landowner, lessee, occupant, or any person in control of the land or premises, owed a duty to keep the land or premises safe or to warn of danger.

(b) Subdivision (a)(1) shall not be construed to impose liability or remove the immunity conferred by § 70-7-102 for failure to guard or warn of a dangerous condition created by forces of nature.

§ 70-7-105. Duty of care; waiver

Any person eighteen (18) years of age or older entering the land of another for the purpose of camping, fishing, hunting, sporting clays, shooting sports, and target shooting, including archery and shooting range activities, hiking, dog training, cutting or removing firewood, recreational noncommercial aircraft operations or recreational noncommercial ultra-light vehicle operations on private airstrips, for such person's use for a consideration may waive, in writing, the landowner's duty of care to such person for injuries that arise from camping, fishing, hunting, sporting clays, shooting sports, and target shooting, including archery and shooting range



activities, hiking, dog training, cutting or removing firewood, recreational noncommercial aircraft operations or recreational noncommercial ultra-light vehicle operations on private airstrips for such person's use, if such waiver does not limit liability for gross negligence, or willful or wanton conduct, or for a failure to guard or warn against a dangerous condition, use, structure or activity.

