



# The National Agricultural Law Center

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States' Recreational Use Statutes:

*Massachusetts*



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# A National Agricultural Law Center Research Publication States' Recreational Use Statutes: Massachusetts

## MA Gen L ch. 21 § 17C and § 17D

*Current through Chapter 106 of the 2022 2nd Annual Session..*

### **§ 17C. Public use of land for recreational, conservation, scientific educational and other purposes; landowner's liability limited; exception**

(a) Any person having an interest in land including the structures, buildings, and equipment attached to the land, including without limitation, railroad and utility corridors, easements and rights of way, wetlands, rivers, streams, ponds, lakes, and other bodies of water, who lawfully permits the public to use such land for recreational, conservation, scientific, educational, environmental, ecological, research, religious, or charitable purposes without imposing a charge or fee therefor, or who leases such land for said purposes to the commonwealth or any political subdivision thereof or to any nonprofit corporation, trust or association, shall not be liable for personal injuries or property damage sustained by such members of the public, including without limitation a minor, while on said land in the absence of wilful, wanton, or reckless conduct by such person. Such permission shall not confer upon any member of the public using said land, including without limitation a minor, the status of an invitee or licensee to whom any duty would be owed by said person.

(b) The liability of any person who imposes a charge or fee for the use of his land by the public for the purposes described in subsection (a) shall not be limited by any provision of this section. For the purposes of this section, "person" shall include the person having any interest in the land, his agent, manager or licensee and shall include, without limitation, any governmental body, agency or instrumentality, a nonprofit corporation, trust, association, corporation, company or other business organization and any director, officer, trustee, member, employee, authorized volunteer or agent thereof. For the purposes of this section, "structures, buildings and equipment" shall include any structure, building or equipment used by an electric company, transmission company, distribution company, gas company or railroad in the operation of its business. A contribution or other voluntary payment not required to be made to use such land shall not be considered a charge or fee within the meaning of this section.

### **§ 17D. Public removal of fuel wood; landowner's liability for injuries**

An owner of land who permits the public to use such land for the removal of fuel wood without imposing a charge or fee therefor shall not be liable to any member of the public who uses said land for the aforesaid purpose for injuries to person or property sustained by such member of the public while on said land in the



absence of willful, wanton or reckless conduct by such owner. Such permission shall not be deemed to confer upon any person so using said land the status of an invitee or licensee to whom any duty would be owed by said owner. The liability of an owner who imposes a charge or fee for the use of his land by the public for the removal of fuel wood shall not be limited by any provision of this section.

