

Recreational Use Statutes

Almost all states have recreational use statutes.

They were enacted to encourage land owners to make their properties available free of charge (or for only a nominal fee) to the public for recreational uses.

The encouragement takes the form of protecting the land owner from legal liability for any accidents that may happen when the user is on the property for recreational purposes. The only exceptions are for intentional harms and for gross negligence.

Recreational uses include a wide variety of activities. Whether specifically mentioned in the statute or not, horseback riding is a recreational use.

Of course, the land owner retains the right to deny access to the public and the right to eject any member of the public who misbehaves while on the property.

If you have neighboring land on which you would like permission to ride, tell the owner about your state's recreational use statute. Or, better yet, print it out and give it to him. Relieving his fear of legal liability may tip the scales in favor of his giving you permission to ride.

Conversely, if someone asks permission to ride on your property, check you recreational use statute and take that into account in making your decision whether to grant permission.

Warning: Some states interpret their recreational use statutes to apply only to landowners who open their land to all members of the public and who do not pick and choose who may use their land. This is a significant limitation on the usefulness of these statutes for trail riding. Some of these interpretative cases can be found on this web site in the Landowner's Liabilities segment of Law Cases for Horsemen.

These statutes were first posted in 1995.

They were reviewed and updated where needed in July 2001.

New York Recreational Use Statute
New York Consolidated Laws
GENERAL OBLIGATIONS LAW
ARTICLE 9 Obligations of Care
TITLE 1 Conditions on Real Property

9-103. No duty to keep premises safe for certain uses; responsibility for acts of such users

1. Except as provided in subdivision two,

a. an owner, lessee or occupant of premises, whether or not posted as provided in section 11-2111 of the environmental conservation law, owes no duty to keep the premises safe for entry or use by others for hunting, fishing, organized gleaning as defined in section seventy- one-y of the agriculture and markets law, canoeing, boating, trapping, hiking, cross-country skiing, tobogganing, sledding, speleological activities, horseback riding, bicycle riding, hand gliding, motorized vehicle operation for recreational purposes, snowmobile operation, cutting or gathering of wood for non-commercial purposes or training of dogs, or to give warning of any hazardous condition or use of or structure or activity on such premises to persons entering for such purposes;

b. an owner, lessee or occupant of premises who gives permission to another to pursue any such activities upon such premises does not thereby (1) extend any assurance that the premises are safe for such purpose, or (2) constitute the person to whom permission is granted an invitee to whom a duty of care is owed, or (3) assume responsibility for or incur liability for any injury to person or property caused by any act of persons to whom the permission is granted.

c. an owner, lessee or occupant of a farm, as defined in section six hundred seventy-one of the labor law, whether or not posted as provided in section 11-2111 of the environmental conservation law, owes no duty to keep such farm safe for entry or use by a person who enters or remains in or upon such farm without consent or privilege, or to give warning of any hazardous condition or use of or structure or activity on such farm to persons so entering or remaining. This shall not be interpreted, or construed, as a limit on liability for acts of gross negligence in addition to those other acts referred to in subdivision two of this section.

2. This section does not limit the liability which would otherwise exist

a. for willful or malicious failure to guard, or to warn against, a dangerous condition, use, structure or activity; or

b. for injury suffered in any case where permission to pursue any of the activities enumerated in this section was granted for a consideration other than the consideration, if any, paid to said landowner by the state or federal government, or permission to train dogs was granted for a consideration other than that provided for in section 11- 0925 of the environmental conservation law; or

c. for injury caused, by acts of persons to whom permission to pursue any of the activities enumerated in this section was granted, to other persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

3. Nothing in this section creates a duty of care or ground of liability for injury to person or property.