



North Dakota's
**LIMITED
LANDOWNER
LIABILITY**
on recreation lands



Limited Landowner Liability on Recreation Lands

Outdoor recreation is popular in North Dakota throughout the year. Common activities are hiking, biking, horseback riding and off-highway vehicle driving in the summer and snowmobiling, snowshoeing and cross country skiing in the winter. Private landowners or local government are often concerned about the liability of allowing public recreation on their lands.

North Dakota Century Code (NDCC) 53-08 protects landowners and local government by limiting the liability they may incur from public recreation on their property. The information in this brochure summarizes NDCC 53-08.

A Landowner's Duty of Care

A landowner is not specifically required to keep the premises safe for recreational purposes such as hiking, biking, snowmobiling and off-highway vehicle driving. Landowners are also not required to warn users of a dangerous condition, use, structure or activity on the property.

When users choose to engage in an activity they assume some of the risk inherent in outdoor recreation. A landowner, however, is liable for willful and malicious failure to guard or warn against a dangerous condition, use, structure or activity.

Leasing to the State or Political Subdivisions

Unless otherwise agreed in writing, owners leasing land to the state or political subdivisions for recreation are not required to keep the property safe for others or warn users of any hazardous conditions, uses, structures or activities. In addition, owners are not required to:

1. Assure that the premises are safe.
2. Assume responsibility for injuries or property damage. Persons using the land for recreation should be prepared for all conditions, safe or unsafe.

These provisions apply whether land users are invitees, licensees, trespassers or otherwise.

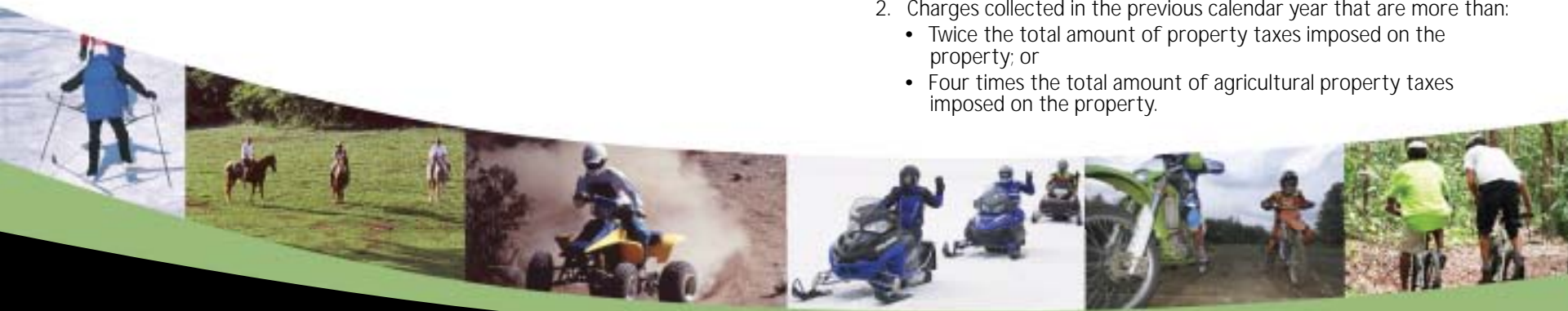
Charging for Access

A landowner either directly or indirectly inviting or permitting others to use his or her property for recreational purposes free of charge is not required to:

1. Assure that the premises are safe for any and all purposes.
2. Confirm that the recreational users are of legal and/or licensed status.
3. Assume responsibility for injury to a person or damage to any property caused by the users. Persons using the land for recreation should be prepared for all conditions, safe or unsafe.

Landowners are liable when an injury is suffered and:

1. The user has been charged for entry onto the land other than the amount, if any, paid to the owner of the land by the state, county or city, and
2. Charges collected in the previous calendar year that are more than:
 - Twice the total amount of property taxes imposed on the property; or
 - Four times the total amount of agricultural property taxes imposed on the property.



For more information on North Dakota Century Code 53-08, LIABILITY LIMITED FOR OWNER OF RECREATION LANDS or for an alternate formate of this publication, please contact:



North Dakota Parks & Recreation Department

1600 E. Century Avenue, Suite 3
Bismarck, ND 58503
Phone: 701-328-5357
Email: parkrec@nd.gov
Web: www.parkrec.nd.gov

The ND Parks & Recreation Department's facilities, programs & employment procedures are open to all, regardless of age, sex, race, color, disability, religion, or political affiliation. Contact us prior to your visit if you need an accommodation for a disability.

© 2006 ND Parks & Recreation Dept.