

#### **411.190 Obligations of owner to persons using land for recreation.**

- (1) As used in this section:
  - (a) "Land" means land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the realty;
  - (b) "Owner" means the possessor of a fee, reversionary, or easement interest, a tenant, lessee, occupant, or person in control of the premises;
  - (c) "Recreational purpose" includes, but is not limited to, any of the following, or any combination thereof: hunting, fishing, swimming, boating, camping, picnicking, hiking, bicycling, horseback riding, pleasure driving, nature study, water-skiing, winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites; and
  - (d) "Charge" means the admission price or fee asked in return for invitation or permission to enter or go upon the land but does not include fees for general use permits issued by a government agency for access to public lands if the permits are valid for a period of not less than thirty (30) days.
- (2) The purpose of this section 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.
- (3) Except as specifically recognized by or provided in subsection (6) of this section, 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 such purposes.
- (4) Except as specifically recognized by or provided in subsection (6) of this section, an owner of land who either directly or indirectly invites or permits without charge any person to use the property for recreation purposes does not thereby:
  - (a) Extend any assurance that the premises are safe for any purpose;
  - (b) Confer upon the person the legal status of an invitee or licensee to whom a duty of care is owed; or
  - (c) Assume responsibility for or incur liability for any injury to person or property caused by an act or omission of those persons.
- (5) Unless otherwise agreed in writing, the provisions of subsections (3) and (4) of this section shall be deemed applicable to the duties and liability of an owner of land leased to the state or any subdivision thereof for recreational purposes.
- (6) Nothing in this section limits in any way any liability which otherwise exists:
  - (a) For willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity; or
  - (b) For injury suffered in any case where 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 or a subdivision thereof, any consideration received by the owner for the lease shall not be deemed a charge within the meaning of this section.
- (7) Nothing in this section shall be construed to:

- (a) Create a duty of care or ground of liability for injury to persons or property;
  - (b) Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this section to exercise care in his use of the land and in his activities thereon, or from the legal consequences of failure to employ such care; or
  - (c) Ripen into a claim for adverse possession, absent a claim of title or legal right.
- (8) No action for the recovery of real property, including establishment of prescriptive easement, right-of-way, or adverse possession, may be brought by any person whose claim is based on use solely for recreational purposes.

**Effective:** July 15, 2002

**History:** Amended 2002 Ky. Acts ch. 306, sec. 2, effective July 15, 2002. -- Amended 2000 Ky. Acts ch. 338, sec. 12, effective July 14, 2000. -- Amended 1998 Ky. Acts ch. 275, sec. 12, effective July 15, 1998. -- Created 1966 Ky. Acts ch. 252, secs. 1 to 7.