

# Arkansas Recreational Use Statute

## TITLE 18: PROPERTY

### SUBTITLE 2. REAL PROPERTY

#### CHAPTER 11: REAL PROPERTY INTERESTS GENERALLY

##### SUBCHAPTER 3: RECREATIONAL USES -- OWNER'S LIABILITY

#### §18-11-301. Purpose

The purpose of this subchapter 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.

HISTORY: Acts 1965, No. 51, s 1; A.S.A. 1947, s 50-1101.

#### §18-11-302. Definitions

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

- (1) "Land" means land, roads, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to the realty;
- (2) "Owner" means the possessor of a fee interest, a tenant, lessee, occupant, or person in control of the premises;
- (3) "Recreational purpose" includes, but is not limited to, any of the following, or any combination thereof:
  - (A) Hunting;
  - (B) Fishing;
  - (C) Swimming;
  - (D) Boating;
  - (E) Camping;
  - (F) Picnicking;
  - (G) Hiking;
  - (H) Pleasure driving;
  - (I) Nature study;
  - (J) Water skiing;

(K) Winter sports;

(L) Spehunking; and

(M) Viewing or enjoying historical, archeological, scenic, or scientific sites; and

(N) Any other activity undertaken for exercise, education, relaxation, or pleasure on land owned by another;

(4) "Charge" means an admission fee for permission to go upon or use the land, but does not include:

(A) The sharing of game, fish, or other products of recreational use; or

(B) Contributions in kind, services, or cash paid to reduce or offset costs and eliminate losses from recreational use;

(5) "Public" and "person" includes the Young Men's Christian Association (Y.M.C.A.), Young Women's Christian Association (Y.W.C.A.), Boy Scouts of America, Girl Scouts of the United States of America, Boys Clubs of America, Girls Clubs of America, churches, religious organizations, fraternal organizations, and other similar organizations.

HISTORY: Acts 1965, No. 51, s 2; 1983, No. 168, ss 1, 2; 1985, No. 959, s 1; A.S.A. 1947, s 50-1102; Acts 1991, No. 485, s 1.

### **§18-11-303. Construction**

Nothing in this subchapter shall be construed to:

(1) Create a duty of care or ground of liability for injury to persons or property;

(2) Relieve any person using the land of another for recreational purposes from any obligation which he may have in the absence of this subchapter to exercise care in his use of the land and in his activities thereon or relieve any person from the legal consequences of failure to employ such care.

HISTORY: Acts 1965, No. 51, s 7; A.S.A. 1947, s 50-1107.

### **§18-11-304. Duty of care**

Except as specifically recognized by or provided in s 18-11-307, 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 recreational purposes.

HISTORY: Acts 1965, No. 51, s 3; A.S.A. 1947, s 50-1103.

### **§18-11-305. Owner's immunity from liability**

Except as specifically recognized by or provided in s 18-11-307, an owner of land who, either directly or indirectly, invites or permits without charge any person to use his property for recreational purposes does not

thereby:

- (1) Extend any assurance that the lands or premises are safe for any purpose;
- (2) Confer upon the person the legal status of an invitee or licensee to whom a duty of care is owed;
- (3) Assume responsibility for or incur liability for any injury to person or property caused by an act or omission of such persons;
- (4) Assume responsibility for or incur liability for injury to the person or property caused by any natural or artificial condition, structure, or personal property on the land.

HISTORY: Acts 1965, No. 51, s 4; 1983, No. 168, s 3; A.S.A. 1947, s 50-1104.

### **§18-11-306. Land leased to state**

Unless otherwise agreed in writing, the provisions of ss 18-11-304 and 18-11-305 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.

HISTORY: Acts 1965, No. 51, s 5; A.S.A. 1947, s 50-1105.

### **§18-11-307. Exceptions to owner's immunity**

Nothing in this subchapter limits in any way liability which otherwise exists:

- (1) For malicious, but not mere negligent, failure to guard or warn against an ultra-hazardous condition, structure, personal property, use, or activity actually known to the owner to be dangerous; and
- (2) 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, a subdivision thereof, or to a third person, any consideration received by the owner for the lease shall not be deemed a charge within the meaning of this section.

HISTORY: Acts 1965, No. 51, s 6; 1983, No. 168, s 4; A.S.A. 1947, s 50-1106.

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## **SUPPLEMENTAL INFORMATION**

**ADDITIONAL INFORMATION:** Text of Code also available at  
<http://www.arkleg.state.ar.us/newsdcode/lpext.dll?f=templates&fn=main-h.htm&2.0> on 11/19/00.