

Landowner Liability

Alabama Forest Owners Association Annual Meeting

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Nationwide Assessment of Rural Landowners Liability

(Hill & Kaiser 1995)

“Threat to Landowners is Probably Exaggerated”

“Be Familiar with Specific State Laws”

“Incorporate Safety & Risk Management”

Public Liability

The part of the law of tort which focuses on civil wrongs. The injured party usually sues the owner under common law based on negligence and/or damages. Claims are usually successful when it can be shown that the owner/occupier was responsible for an injury, therefore they breached their duty of care.

The duty of care: in basic terms it is the standard by which one would expect to be treated while one is in the care of another.



Negligence

Commercial General Liability Based on Concept of:

- Duty Owed
- Careless Breach
- Connection
- Damages



Types and Duties

- Invitees – Highest Duty
- Licensee – Invited to hunt for no charge
- Trespasser – Least duty
 - New Category
 - “Known Trespasser”*



Inspect and Warn

**Landowners that take money
for activities have a duty to
inspect and warn**



Inspect and Warn

Inspections should have a routine schedule and club members warned of any hazards or changes

Landowner and Club members should also inspect tree stands, gates, and other hazards



Hunting Club Liability

Recreational Use Statute

- **Duty of Care Reduced**
- **Purpose is to Encourage Owner's of Land to Make Land Available to the Public for Recreational Users**
- **Without Charge - Except for Land Leased to State**

Liability Issues

- ✓ **Understand the Legal Responsibility to Recreational Users**
- ✓ **Common Sense**

Liability Insurance

Is it covered?

Hunting Club and Timberland Liability

Insuring Agreement – ISO – 2001

- A. **We will pay the sums that the insured becomes legally obligated to pay as damages because of “Bodily Injury” or “Property Damage”...**

Hunting Club and Timberland Liability

Broad Statement – Covers almost everything....
Except for...

- B. Exclusions – Standard**
 - Intended**
 - Liquor – “in the business of”**
 - Workers Compensation**
 - Pollution**
 - Aircraft, Auto, Watercraft**
 - Mobile Equipment – Transporting**
 - War**
 - Property – Care, Custody, Control**

Hunting Club and Timberland Liability

C. Specific Exclusions/Endorsements can be added to base policy

Example

- Abuse/Molestation
- Computer related
- Microorganism
- Terrorism

Important to see if no specific exclusions added for hunting exposures

- Tree stands
- ATV's
- Members

Examples

1. Auto Guest
2. Gates
3. Swimming Hole
4. Horses on road
5. Shooting under recreational immunity law.
6. ATV's
7. Tree Stands



Hunting Club Liability

A Sound Hunting Lease Program

1. **Hunting Lease**
 - Hold Harmless
 - Responsibilities
2. **Map of Property Detailing Hazards**
 - Gates, Property Boundaries, and Adjacent Landowners
3. **Insurance for Club**
 - Landowner as an Additional Insured
4. **Check in Area**
5. **Particular Attention to Gates and Other Hazards**

