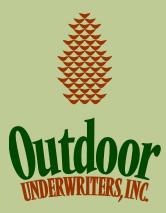
Landowner Liability

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 <u>tort</u> which focuses on civil wrongs. The injured party usually sues the owner under <u>common law</u> 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 <u>duty of care</u>: 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



