Landowners Responsibility & Liability Issues
LANDOWNER PROGRAMS

Timberland Liability
Hunt Club Liability
Recreational Liability

Standing Timber Insurance
Prescribed Burn Coverage
Consulting Forester Coverage
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”
NEGLIGENCE

Commercial General Liability
Based on Concept of:

- Duty Owed
- Careless Breach
- Connection
- Damages
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.
## TYPES AND DUTIES

<table>
<thead>
<tr>
<th>Type</th>
<th>Description</th>
</tr>
</thead>
<tbody>
<tr>
<td>Invitees</td>
<td>Highest Duty</td>
</tr>
<tr>
<td>Licensees</td>
<td>Invited to hunt for no charge</td>
</tr>
<tr>
<td>Trespassers</td>
<td>Least duty</td>
</tr>
<tr>
<td></td>
<td>- New Category</td>
</tr>
<tr>
<td></td>
<td>- “Known Trespasser”</td>
</tr>
</tbody>
</table>
INSPECT PROPERTY FOR HIDDEN DANGERS

&

REMOVE THEM OR GIVE ADEQUATE WARNING OF THEIR PRESENCE
RECREATIONAL USE STATUTE

- Duty of Care Reduced

- Purpose is to Encourage Owners of Land to Make Land Available to the Public for Recreational Users

- Without Charge - Except for Land Leased to State

- Exceptions and Enhancements
A SOUND HUNTING LEASE PROGRAM

1. Hunting Lease
   – Hold Harmless
   – Responsibilities

2. Map of Property Detailing Hazards
   – Gates, Property Boundaries, & Adjacent Landowners

3. Insurance for Club
   – Landowner as an Additional Insured

4. Check-in Area

5. Particular Attention to Gates and Other Hazards
HUNTING LEASE LIABILITY COVERAGE

- General liability for hunting clubs leasing land
- Designed for occurrences arising out of activities and operations of the hunting club on leased property
- Member-to-member coverage
- Additional insured status available for property owner
TIMBERLAND LIABILITY INSURANCE

- General liability for owners of timberland
- Coverage for “incidental” hunting exposures
- Trespassers & Visitors
CLAIMS

1. Tree Stands
   Highest Frequency Lowest Severity

2. ATV’s
   Second Highest in Frequency
   High Severity (Very close to tree stands)

3. Shootings
   Lowest Frequency Highest Severity

4. Other
   Trespass and Carelessness