

N.D.A.G. Letter to Wogsland (Oct. 20, 1988)

October 20, 1988

Hon. Dan Wogsland
State Senator
District 23
Route 1, Box W8
Hannaford, ND 58448

Dear Senator Wogsland:

Thank you for your letter dated October 16, 1988, in which you inquire as to the liability of a private landowner who permits hunting on such landowner's property.

I have enclosed a copy of N.D.C.C. ch. 53-08 which limits the liability of landowners when their property is used for recreational purposes. This chapter does not impose a duty of care to keep the property safe for use for recreational purposes upon a landowner except for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity or if an injury is suffered after the landowner has charged a person a fee to enter or go on the land.

In addition, N.D.C.C. § 53-08-04 applies the same limitation of liability to land which is leased to the state or a political subdivision for recreational purpose.

The limitation of liability provisions of N.D.C.C. ch. 53-08 appear to be applicable to all persons who enter upon the property, including trespassers. In addition, you will note that the limitation of liability provisions extend to numerous recreational activities, including hunting.

I hope that this information is helpful to you and your constituents. Should you have further questions, please feel free to contact me at your convenience.

Sincerely,

Nicholas J. Spaeth

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Enclosure