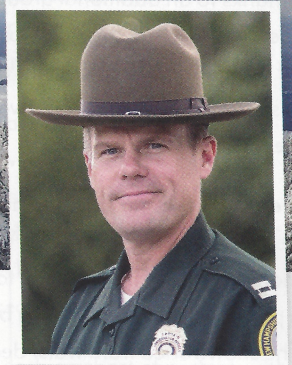
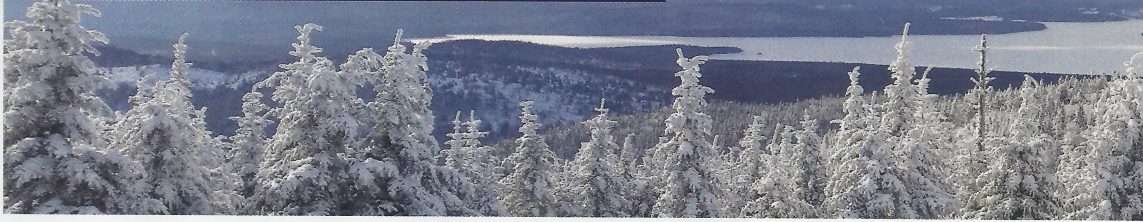


FISH AND GAME SNO-NOTES



by Captain Michael Eastman, New Hampshire Fish and Game

Liability Of Landowners

Throughout the pandemic and beyond, we at the OHRV program have received many calls about liabilities that a landowner incurs when they keep their property open to the use of outdoor recreation. With numerous large tracks of land changing ownership, this may be a question that many snowmobile and OHRV clubs may be getting about existing or new trails through these properties. These new landowners are afraid that allowing recreation on their properties will open them up to civil liability or being sued for accidents that occur on their land. The simple answer to these landowners is that the law covers them from liability for outdoor recreation activities.

The Liability of Landowner law can be found in Revised Statute Annotated (RSA) 212:34. Within the law, there are two important definitions, “Outdoor recreational activity” and “Premises”. “Outdoor recreational activities” includes “snowmobiling as defined in RSA 215-C: 1, XV”. “Premises” means “the land owned, managed, controlled, or overseen by the landowner upon which the outdoor recreational activity subject to this section occurs”.

The most important paragraph of this law is this:

II. A landowner owes no duty of care to keep the premises safe for entry or use by others for outdoor recreational activity or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purposes...

What does this all mean as a landowner? The law covers you from liability when you allow outdoor recreation on your property.

What the law doesn't cover you from is when the landowner makes “willful or malicious failure to guard or warn against a dangerous condition” or if the landowner

takes money for outdoor recreational activities on the landowner's premises. Outside of these exceptions the landowner is covered from liability. This all does not mean that an attorney cannot bring litigation against landowners (see editor's note below) but this law is their protection and it has been upheld in the New Hampshire Supreme Court.

New landowners that are concerned about keeping their lands open should be directed to this law. It is important that we continue to protect our landowners in order to keep our trails and the sport of snowmobiling alive for years to come.



NH Landowners Make Snowmobiling Possible! Please respect the rights of the landowners and remember to say thank you. Photo/Dan Gould

Editor's note: The NH Bureau of Trails is the state entity that acquires and provides the Landowner Liability Insurance Policy for landowners. Landowners that are part of the snowmobile program are listed in the Bureau of Trails office as participating landowners and are part of the state-managed liability insurance coverage.

The program has been successfully used for 45 years and no landowner has been impacted with liability or costs over that time. Details can be found at nhsa.com/nh-landowners-make-snowmobiling-possible/