

**895.52 Recreational activities; limitation of property owners' liability.****(1) DEFINITIONS.** In this section:

- (ag) "Agricultural tourism activity" means an educational or recreational activity that takes place on a farm, ranch, grove, or other place where agricultural, horticultural, or silvicultural crops are grown or farm animals or farmed fish are raised, and that allows visitors to tour, explore, observe, learn about, participate in, or be entertained by an aspect of agricultural production, harvesting, or husbandry that occurs on the farm, ranch, grove, or other place.
- (ar) "Governmental body" means any of the following:
1. The federal government.
  2. This state.
  3. A county or municipal governing body, agency, board, commission, committee, council, department, district or any other public body corporate and politic created by constitution, statute, ordinance, rule or order.
  4. A governmental or quasi-governmental corporation.
  5. A formally constituted subunit or an agency of subd. 1., 2., 3. or 4.
- (b) "Injury" means an injury to a person or to property.
- (c) "Nonprofit organization" means an organization or association not organized or conducted for pecuniary profit.
- (d) "Owner" means either of the following:
1. A person, including a governmental body or nonprofit organization, that owns, leases or occupies property.
  2. A governmental body or nonprofit organization that has a recreational agreement with another owner.
- (e) "Private property owner" means any owner other than a governmental body or nonprofit organization.
- (f) "Property" means real property and buildings, structures and improvements thereon, and the waters of the state, as defined under s. 281.01 (18).
- (g) "Recreational activity" means any outdoor activity undertaken for the purpose of exercise, relaxation or pleasure, including practice or instruction in any such activity. "Recreational activity" includes hunting, fishing, trapping, camping, picnicking, exploring caves, nature study, bicycling, horseback riding, bird-watching, motorcycling, operating an all-terrain vehicle or utility terrain vehicle, operating a vehicle, as defined in s. 340.01 (74), on a road designated under s. 23.115, recreational aviation, ballooning, hang gliding, hiking, tobogganing, sledding, sleigh riding, snowmobiling, skiing, skating, water sports, sight-seeing, rock-climbing, cutting or removing wood, climbing observation towers, animal training, harvesting the products of nature, participating in an agricultural tourism activity, sport shooting and any other outdoor sport, game or educational activity. "Recreational activity" does not include any organized team sport activity sponsored by the owner of the property on which the activity takes place.
- (h) "Recreational agreement" means a written authorization granted by an owner to a governmental body or nonprofit organization permitting public access to all or a specified part of the owner's property for any recreational activity.
- (hm) "Recreational aviation" means the use of an aircraft, other than to provide transportation to persons or property for compensation or hire, upon privately owned land. For purposes of this definition, "privately owned land" does not include a public-use airport, as defined in s. 114.002 (18m).
- (i) "Residential property" means a building or structure designed for and used as a private dwelling accommodation or private living quarters, and the land surrounding the building or structure within a 300-foot radius.

**(2) NO DUTY; IMMUNITY FROM LIABILITY.**

- (a) Except as provided in subs. (3) to (6), no owner and no officer, employee or agent of an owner owes to any person who enters the owner's property to engage in a recreational activity:
1. A duty to keep the property safe for recreational activities.
  2. A duty to inspect the property, except as provided under s. 23.115 (2).
  3. A duty to give warning of an unsafe condition, use or activity on the property.
- (b) Except as provided in subs. (3) to (6), no owner and no officer, employee or agent of an owner is liable for the death of, any injury to, or any death or injury caused by, a person engaging in a recreational activity on the owner's property or for any death or injury resulting from an attack by a wild animal.

- (3) LIABILITY; STATE PROPERTY.** Subsection (2) does not limit the liability of an officer, employee or agent of this state or of any of its agencies for either of the following:
- (a)** A death or injury that occurs on property of which this state or any of its agencies is the owner at any event for which the owner charges an admission fee for spectators.
  - (b)** A death or injury caused by a malicious act or by a malicious failure to warn against an unsafe condition of which an officer, employee or agent knew, which occurs on property designated by the department of natural resources under s. 23.115 or designated by another state agency for a recreational activity.
- (4) LIABILITY; PROPERTY OF GOVERNMENTAL BODIES OTHER THAN THIS STATE.** Subsection (2) does not limit the liability of a governmental body other than this state or any of its agencies or of an officer, employee or agent of such a governmental body for either of the following:
- (a)** A death or injury that occurs on property of which a governmental body is the owner at any event for which the owner charges an admission fee for spectators.
  - (b)** A death or injury caused by a malicious act or by a malicious failure to warn against an unsafe condition of which an officer, employee or agent of a governmental body knew, which occurs on property designated by the governmental body for recreational activities.
- (5) LIABILITY; PROPERTY OF NONPROFIT ORGANIZATIONS.** Subsection (2) does not limit the liability of a nonprofit organization or any of its officers, employees or agents for a death or injury caused by a malicious act or a malicious failure to warn against an unsafe condition of which an officer, employee or agent of the nonprofit organization knew, which occurs on property of which the nonprofit organization is the owner.
- (6) LIABILITY; PRIVATE PROPERTY.** Subsection (2) does not limit the liability of a private property owner or of an employee or agent of a private property owner whose property is used for a recreational activity if any of the following conditions exist:
- (a)** The private property owner collects money, goods or services in payment for the use of the owner's property for the recreational activity during which the death or injury occurs, and the aggregate value of all payments received by the owner for the use of the owner's property for recreational activities during the year in which the death or injury occurs exceeds \$2,000. The following do not constitute payment to a private property owner for the use of his or her property for a recreational activity:
    - 1. A gift of wild animals or any other product resulting from the recreational activity.
    - 2. An indirect nonpecuniary benefit to the private property owner or to the property that results from the recreational activity.
    - 3. A donation of money, goods or services made for the management and conservation of the resources on the property.
    - 4. A payment of not more than \$5 per person per day for permission to gather any product of nature on an owner's property.
    - 5. A payment received from a governmental body.
    - 6. A payment received from a nonprofit organization for a recreational agreement.
    - 7. A payment made to purchase products or goods offered for sale on the property.
  - (b)** The death or injury is caused by the malicious failure of the private property owner or an employee or agent of the private property owner to warn against an unsafe condition on the property, of which the private property owner knew.
  - (c)** The death or injury is caused by a malicious act of the private property owner or of an employee or agent of a private property owner.
  - (d)** The death or injury occurs on property owned by a private property owner to a social guest who has been expressly and individually invited by the private property owner for the specific occasion during which the death or injury occurs, if the death or injury occurs on any of the following:
    - 1. Platted land.
    - 2. Residential property.
    - 3. Property within 300 feet of a building or structure on land that is classified as commercial or manufacturing under s. 70.32 (2) (a) 2. or 3.
  - (e)** The death or injury is sustained by an employee of a private property owner acting within the scope of his or her duties.

- (7) NO DUTY OR LIABILITY CREATED.** Except as expressly provided in this section, nothing in this section, s. 101.11, or s. 895.529 nor the common law attractive nuisance doctrine creates any duty of care or ground of liability toward any person who uses another's property for a recreational activity.