

Iowa bill adds liability protection for recreational-use landowners

by [Carolyn Orr](#) ~ June 2013 ~ [Stateline Midwest](#) »

Does your state's recreational-liability statute protect landowners?

Picture a group of schoolchildren visiting a farm. They ride horses, play games, climb tractors. A chaperone or parent gets hurt — as a result of no negligence on the landowner's part. Is the landowner liable? That is both a real story and a question that recently faced the Iowa courts and the state legislature.

Before adjourning this year, Iowa lawmakers revamped the state's recreational-liability statute to provide more clarity and protections for landowners.

Every state provides liability protection in statute for landowners who open their property for recreational use — for instance, hunting, fishing or horseback riding on the grounds of a farm.

Iowa's statute had specified a limited number of activities for which an owner of land "owes no duty of care to keep the premises safe for entry or use by others for recreational purposes" and does not "assume responsibility for or incur liability for any injury to person or property caused by an act or omission of such persons."

This spring, the Iowa Supreme Court, [in *Sallee v. Stewart*](#), found that agricultural tours are not a "recreational use" and that the landowners, because they served as tour guides, could be held liable for the chaperone's injuries. The high court remanded the case to a lower court to decide the liability issue.

Under the court's ruling, immunity only applies if guests on the property engaged in one of the activities specifically listed in the state's recreational-use statute.

The decision left many farmers across the state questioning whether they should continue to allow hunters, schoolchildren and hikers on their property.

It also left legislators with a decision on whether to alter the statute's wording and, if so, how.

"Unfortunately, the Supreme Court decision raised several questions about the entire statute, opening it to future litigation," notes Rep. Chip Baltimore, chair of the Iowa House Judiciary Committee. "[We] spent much of the session trying to find compromise language on what is appropriate recreational use."

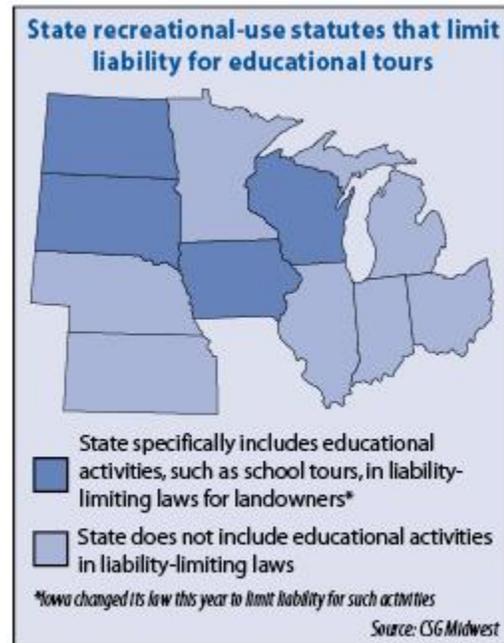
As the 2013 session neared a close, the House and Senate voted unanimously [to support HF 649](#).

The bill, in part, adds this language to the recreational-use statute: "The provisions of this chapter shall be construed liberally and broadly in favor of private holders of land to accomplish the purposes of this chapter."

It also expands limited liability by covering more types of land under the statute (such as the interior of farm buildings), including "educational activities" as a recreational purpose, and specifying that serving as a tour guide is a recreational purpose.

Sen. Rob Hogg, one of many Iowa lawmakers who worked long hours on a compromise, recommends that legislators in other states take the proactive step of re-examining their own recreational-use statutes.

"Make decisions about what you want protected ... before you are faced with what Iowa has faced," he says.



Article written by [Carolyn Orr](#), staff liaison for the [Midwestern Legislative Conference Agriculture & Natural Resources Committee](#). The committee's co-chairs are Indiana Rep. Bill Friend and Minnesota Rep. Rick Hansen.