

The Vermont Statutes Online

Title 12: Court Procedure

Chapter 203: LIMITATIONS ON LANDOWNER LIABILITY

12 V.S.A. § 5792. Definitions

§ 5792. Definitions

As used in this chapter:

(1) "Consideration" means a price, fee or other charge paid to or received by the owner in return for the permission to enter upon or to travel across the owner's land for recreational use. Consideration shall not include:

(A) compensation paid to or a tax benefit received by the owner for granting a permanent recreational use easement;

(B) payment or provision for compensation to be paid to the owner for damage caused by recreational use; or

(C) contributions in services or other consideration paid to the owner to offset or insure against damages sustained by an owner from the recreational use or to compensate the owner for damages from recreational use.

(2)(A) "Land" means:

(i) open and undeveloped land, including paths and trails;

(ii) water, including springs, streams, rivers, ponds, lakes and other water courses;

(iii) fences; or

(iv) structures and fixtures used to enter or go upon land, including bridges and walkways.

(B) "Land" does not include:

(i) areas developed for commercial recreational uses,

(ii) equipment, machinery or personal property, and

(iii) structures and fixtures not described in subdivision (2)(A)(iii) or (iv) of this section.

(3) "Owner" means a person who owns, leases, licenses or otherwise controls ownership or use of land, and any employee or agent of that person.

(4) "Recreational use" means an activity undertaken for recreational, educational or conservation purposes, and includes hunting, fishing, trapping, guiding, camping, biking, in-line skating, jogging,

skiing, snowboarding, swimming, diving, water sports, rock climbing, hang gliding, caving, boating, hiking, riding an animal or a vehicle, picking wild or cultivated plants, picnicking, gleaning, rock collecting, nature study, outdoor sports, noncommercial aviation, visiting or enjoying archeological, scenic, natural, or scientific sites, or other similar activities. "Recreational use" also means any noncommercial activity undertaken without consideration to create, protect, preserve, rehabilitate, or maintain the land for recreational uses. (Added 1997, No. 110 (Adj. Sess.), § 1; amended 2011, No. 99 (Adj. Sess.), § 1.)