

<http://codes.lp.findlaw.com/alcode/35/15>

TITLE 35 CHAPTER 15

GENERAL PROVISIONS 35-15-1 through 35-15-5

LIMITATION OF LIABILITY FOR NON-COMMERCIAL PUBLIC RECREATIONAL USE OF LAND

35-15-20 through 35-15-28

35-15-20. LEGISLATIVE INTENT It is hereby declared that there is a need for outdoor recreational areas in this state which are open for public use and enjoyment; that the use and maintenance of these areas will provide beauty and openness for the benefit of the public and also assist in preserving the health, safety, and welfare of the population; that it is in the public interest to encourage owners of land to make such areas available to the public for non-commercial recreational purposes by limiting such owners' liability towards persons entering thereon for such purposes; that such limitation on liability would encourage owners of land to allow non-commercial public recreational use of land which would not otherwise be open to the public, thereby reducing state expenditures needed to provide such areas

35-15-21 (3) RECREATIONAL USE or RECREATIONAL PURPOSE.

Participation in or viewing of activities including, but not limited to, hunting, fishing, water sports, aerial sports, hiking, camping, picnicking, winter sports, animal or vehicular riding, or visiting, viewing or enjoying historical, archeological, scenic or scientific sites, and any related activity.

35-15-28. OWNER MUST ESTABLISH USE

(a) The liability limitation protection of this article may be asserted only by an owner who can reasonably establish that the outdoor recreational land was open for non-commercial use to the general public at the time of the injury to a person using such land for any public recreational purpose. Any owner may create a rebuttable presumption of having opened land for non-commercial public recreational use by:

- (1) Posting signs around the boundaries and at the entrance(s) of such land; or
- (2) Publishing a notice in a newspaper of general circulation in the locality in which the outdoor recreational land is situated, and describing such land; or
- (3) Recording a notice in the public records of any county in which any part of the outdoor recreational land is situated, and describing such land; or
- (4) Any act similar to subdivisions (1), (2), or (3) of subsection (a), which is designed to put the public on notice that such outdoor recreational land is open to non-commercial public recreational use.