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States' Recreational Use Statutes

State of Maryland

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States' Recreational Use Statutes

STATE OF MARYLAND

MD Code, Natural Resources, § 5-1101 to § 5-1109

Current through all chapters of the 2010 Regular Session of the General Assembly, effective through June 1, 2010.

§ 5-1101. Definitions

(a) In this subtitle the following words have the meanings indicated.

(b)(1) "Charge" means price or fee asked for services, entertainment, recreation performed, or products offered for sale on land or in return for invitation or permission to enter or go upon land.

(b)(2) "Charge" does not include:

- (i) The sharing of game, fish, or other products of recreational use;
- (ii) Benefits to the land arising from the recreational use; or
- (iii) Contributions in kind or services to promote the management or conservation of resources on the land.

(c) "Educational purpose" includes:

- (1) Nature study;
- (2) Farm visitations for purposes of learning about the farming operation;
- (3) Practice judging of livestock, dairy cattle, poultry, other animals, agronomy crops, horticultural crops, or other farm products;
- (4) Organized visits to farms by school children, 4-H clubs, FFA clubs, and others as part of their educational programs;
- (5) Organized visits for purposes of participating in or observing historical reenactments as part of an educational or cultural program; and
- (6) Observation of historical, archaeological, or scientific sites.

(d)(1) "Land" means land, roads, paths, trails, water, watercourses, private ways and buildings, structures, and machinery or equipment when attached to realty.

(d)(2) "Land" does not include any structure or equipment provided by a unit of local government for the purpose of public recreation.

(e) "Owner" means the owner of any estate or other interest in real property, whether possessory or nonpossessory, including the grantee of an easement.

(f) "Recreational purpose" means any recreational pursuit.

§ 5-1102. Purpose and construction

(a) The purpose of this subtitle is to encourage any owner of land to make land, water, and airspace above the land and water areas available to the public for any recreational and educational purpose by limiting the owner's liability toward any person who enters on land, water, and airspace above the land and water areas for these purposes.

(b) This subtitle does not: (1) create a duty of care or ground of liability for injury to persons or property, (2) relieve any person using the land of another for any recreational or educational purpose from any obligation which he might have in the absence of this subtitle to exercise care in using the land and in his activities on the land, or from the legal consequences of his failure to employ care.

§ 5-1103. Landowner's duty of care

Except as specifically recognized by or provided in § 5-1108 of this subtitle, an owner of land owes no duty of care to keep the premises safe for entry or use by others for any recreational or educational purpose, or to give any warning of a dangerous condition, use, structure, or activity on the premises to any person who enters on the land for these purposes.

§ 5-1104. Landowner allowing use of property

Except as specifically recognized by or provided in § 5-1108 of this subtitle, an owner of land who either directly or indirectly invites or permits without charge persons to use the property for any recreational or educational purpose or to cut firewood for personal use does not by this action:

- (1) Extend any assurance that the premises are safe for any purpose;
- (2) Confer upon the person the legal status of an invitee or licensee to whom a duty of care is owed; or
- (3) Assume responsibility for or incur liability as a result of any injury to the person or property caused by an act of omission of the person.

§ 5-1105. Application of certain statutes

Unless otherwise agreed in writing, the provisions of §§ 5-1103 and 5-1104 are applicable to any duty and liability of an owner of land leased to the State or any of its political subdivisions for any recreational or educational purpose.

§ 5-1105.1. Application to local government units

The provisions of §§ 5-1103 and 5-1104 of this subtitle are:

(1) Applicable to a unit of local government as an owner of land; and

(2) In addition to any other common law or statutory defenses or immunities available to a unit of local government or other owner.

§ 5-1106. Willful or malicious conduct

The provisions of this subtitle do not limit in any way any liability which otherwise exists for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity; or for injury suffered where the owner of the land charges the person who enters or goes on the land for recreational or educational use. However, if land is leased to the State or any of its political subdivisions, any consideration the owner receives for the lease is not a charge within the meaning of this section.

§ 5-1107. Posting of notices

Whenever the owner desires, he may post in conspicuous places notices informing the public that the land is private. The landowner, by written consent, may grant permission to enter on the land.

§ 5-1108. Permission cards

(a) To facilitate a method of providing written consent, the Secretary shall distribute permission cards, to be available to the public and to landowners.

(b) One side of the card shall read:
PERMISSION TO ENTER

I hereby grant the person named on the reverse side permission to enter my property, subject to the terms of the agreement, on the following dates:

Signed
(Landowner)

(c) The reverse side shall read:
AGREEMENT

In return for the privilege of entering on the private property for any recreational or educational purpose as defined in the Natural Resources Article § 5-1101, I agree to every law, observe every safety precaution and practice, take every precaution against fire, and assume all responsibility and liability for my person and my property, while on the landowner's property.

Signed

§ 5-1109. Cross country skiing and snowmobiling

(a) If a landowner in Garrett County agrees to the use of a defined part of the landowner's real property for the use of cross-country skiing or for the use of snowmobiles, any person who uses the part of the real property impliedly consents to adhere to every law, to observe every safety precaution and practice, to take every precaution against fire, and to assume all responsibility and liability for the person's safety and property while cross-country skiing or snowmobiling on the landowner's real property.

(b) The provisions of § 5-1108(b) and (c) of this subtitle apply when a landowner leases any defined part of the landowner's real property for the use of cross-country skiing or for the use of snowmobiles.

(c) The Department shall adopt regulations to permit cross-country skiing or snowmobile use on those defined parts of a landowner's real property on which cross-country skiing or snowmobile use is allowed under this section.