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States' Recreational Use Statutes

State of Mississippi

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States' Recreational Use Statutes

STATE OF MISSISSIPPI

Miss. Code Ann. § 89-2-1 to § 89-2-27

Current through End of the 2009 Regular and Extraordinary Sessions

§ 89-2-1. Purpose; effect of opening property to public use

The purpose of this chapter is to encourage persons to make available to the public land and water areas for outdoor recreational purposes. A lessee or owner who opens a land or water area to the public for outdoor recreational purposes shall not, by opening such land or water for such use:

- (a) Be presumed to extend any assurance that such land or water area is safe for any purpose;
- (b) Incur any duty of care toward a person who goes on the land or water area; or
- (c) Become liable or responsible for any injury to persons or property caused by the act or omission of a person who goes on the land or water area.

The foregoing applies, whether the person going on the land or water area is an invitee, licensee, trespasser or otherwise.

§ 89-2-3. Definition

The term "outdoor recreational purposes" as used in this chapter shall include, but not necessarily be limited to, hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing and visiting historical, archaeological, scenic or scientific sites.

§ 89-2-5. Liability for willful injury

This chapter does not relieve any person of liability which would otherwise exist for deliberate, willful or malicious injury to persons or property. The provisions hereof shall not be deemed to create or increase the liability of any person.

§ 89-2-7. Application

The provisions of this chapter shall not apply if any fee is charged for entering or using any part of such land or water outdoor recreational area, or if any concession is operated on said area offering to sell or selling any item or product to persons entering thereon for recreational purposes.

Said chapter shall not apply unless public notice of the availability of such lands for such public use shall have been published once annually in a newspaper of general circulation in the county where such lands are situated.

§ 89-2-21. Definitions

For the purposes of this article, the following words shall have the meanings ascribed herein, unless the context otherwise requires:

(a) "Land" or "premises" means all real property, waters and private ways, and all trees, buildings and structures which are located on such real property, waters and private ways.

(b) "Landowner" means the legal titleholder or owner of land or premises, and includes any lessee, occupant or any other person in control of such land or premises.

§ 89-2-23. Duty of care; warning

Except as provided for in Section 89-2-27, a landowner: (a) shall owe no duty of care to keep land or premises safe for entry or use by others for hunting, fishing, trapping, camping, water sports, hiking or sightseeing; and (b) shall not be required to give any warning to any person entering on land or premises for hunting, fishing, trapping, camping, water sports, hiking or sightseeing as to any hazardous conditions or uses of, or hazardous structures or activities on such land or premises.

§ 89-2-25. Permission to use land

Any landowner who gives permission to another person to hunt, fish, trap, camp, hike or sightsee upon land or premises shall not, by the sole act of giving such permission, be considered or construed to have:

(a) Extended any assurance that the premises are safe for such purposes;

(b) Caused the person to whom permission has been granted to be constituted the legal status of an invitee to whom a duty of care is owed; or

(c) Assumed responsibility or liability for any injury to such person or his property caused by any act of such person to whom permission has been granted, except as provided in Section 89-2-27.

§ 89-2-27. Circumstances supporting liability

This article shall not limit any liability which otherwise exists for:

(a) Willful or malicious failure to guard or warn against a hazardous condition, use, structure or activity;

(b) Injuries suffered in any case where permission to hunt, fish, trap, camp, hike, sightsee or engage in any other lawful activity was granted for a consideration other than the consideration, if any, paid to the landowner by the State of Mississippi, the federal government, or any other governmental agency; or

(c) Injuries to third persons or to persons to whom the landowner owed a duty to keep the land or premises safe or to warn of danger, which injuries were caused by acts of persons to whom permission to hunt, fish, camp, hike, sightsee or engage in any other lawful activity was granted.