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States' Recreational Use Statutes

State of Missouri

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States' Recreational Use Statutes

STATE OF MISSOURI

V.A.M.S. 537.345 to 537.348

Statutes are current with emergency legislation approved through March 4, 2010, of the 2010 Second Regular Session of the 95th General Assembly. Constitution is current through the November 4, 2008 General Election.

537.345. Definitions for sections 537.345 to 537.347

As used in sections 537.345 to 537.347, the following terms mean:

- (1) "**Charge**", the admission price or fee asked by an owner of land or an invitation or permission without price or fee to use land for recreational purposes when such invitation or permission is given for the purpose of sales promotion, advertising or public goodwill in fostering business purposes;
- (2) "**Land**", all real property, land and water, and all structures, fixtures, equipment and machinery thereon;
- (3) "**Owner**", any individual, legal entity or governmental agency that has any ownership or security interest whatever or lease or right of possession in land;
- (4) "**Recreational use**", hunting, fishing, camping, picnicking, biking, nature study, winter sports, viewing or enjoying archaeological or scenic sites, or other similar activities undertaken for recreation, exercise, education, relaxation, or pleasure on land owned by another.

537.346. Landowner owes no duty of care to persons entering without fee to keep land safe for recreational use

Except as provided in sections 537.345 to 537.348, an owner of land owes no duty of care to any person who enters on the land without charge to keep his land safe for recreational use or to give any general or specific warning with respect to any natural or artificial condition, structure, or personal property thereon.

537.347. Landowner directly or indirectly invites or permits persons on land for recreation, effect

Except as provided in sections 537.345 to 537.348, an owner of land who directly or indirectly invites or permits any person to enter his or her land for recreational use, without charge, whether or not the land is posted, or who directly or indirectly invites or permits any person to enter his or her land for recreational use in compliance with a state- administered recreational access program, does not thereby:

- (1) Extend any assurance that the premises are safe for any purpose;
- (2) Confer upon such person the status of an invitee, or any other status requiring of the owner a duty of special or reasonable care;
- (3) Assume responsibility for or incur liability for any injury to such person or property caused by any natural or artificial condition, structure or personal property on the premises; or
- (4) Assume responsibility for any damage or injury to any other person or property caused by an act or omission of such person.

537.348. Landowner liable, when--definitions

Nothing in this act shall be construed to create liability, but it does not limit liability that otherwise would be incurred by those who use the land of others, or by owners of land for:

- (1) Malicious or grossly negligent failure to guard or warn against a dangerous condition, structure, personal property which the owner knew or should have known to be dangerous, or negligent failure to guard or warn against an ultrahazardous condition which the owner knew or should have known to be dangerous;
- (2) Injury suffered by a person who has paid a charge for entry to the land; or
- (3) Injuries occurring on or in:
 - (a) Any land within the corporate boundaries of any city, municipality, town, or village in this state;
 - (b) Any swimming pool. "**Swimming pool**" means a pool or tank, especially an artificial pool or tank, intended and adapted for swimming and held out as a swimming pool;
 - (c) Any residential area. "**Residential area**" as used herein means a tract of land of one acre or less predominately used for residential purposes, or a tract of land of any size used for multifamily residential services; or
 - (d) Any noncovered land. "**Noncovered land**" as used herein means any portion of any land, the surface of which portion is actually used primarily for commercial, industrial, mining or manufacturing purposes; provided, however, that use of any portion of any land primarily for agricultural,

grazing, forestry, conservation, natural area, owner's recreation or similar or related uses or purposes shall not under any circumstances be deemed to be use of such portion for commercial, industrial, mining or manufacturing purposes.