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**States' Recreational Use Statutes**

**State of Nebraska**

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UNIVERSITY of ARKANSAS  
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## States' Recreational Use Statutes

### STATE OF NEBRASKA

#### NE ST § 37-729 to § 37-736

*Current through the 101st Legislature 1st Special Session 2009*

##### **§ 37-729. Terms, defined.**

For purposes of sections 37-729 to 37-736:

- (1) Land includes roads, water, watercourses, private ways, and buildings, structures, and machinery or equipment thereon when attached to the realty;
- (2) Owner includes tenant, lessee, occupant, or person in control of the premises;
- (3) Recreational purposes includes, but is not limited to, any one or any combination of the following: Hunting, fishing, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, waterskiing, winter sports, and visiting, viewing, or enjoying historical, archaeological, scenic, or scientific sites, or otherwise using land for purposes of the user; and
- (4) Charge means the amount of money asked in return for an invitation to enter or go upon the land.

##### **§ 37-730. Limitation of liability; purpose of sections.**

The purpose of sections 37-729 to 37-736 is to encourage owners of land to make available to the public land and water areas for recreational purposes by limiting their liability toward persons entering thereon and toward persons who may be injured or otherwise damaged by the acts or omissions of persons entering thereon.

##### **§ 37-731. Landowner; duty of care.**

Subject to section 37-734, an owner of land owes no duty of care to keep the premises safe for entry or use by others for recreational purposes or to give any warning of a dangerous condition, use, structure, or activity on such premises to persons entering for such purposes.

##### **§ 37-732. Landowner; invitee; permittee; liability; limitation.**

Subject to section 37-734, an owner of land who either directly or indirectly invites or permits without charge any person to use such property for recreational purposes does not thereby (1) extend any assurance that the premises are safe for any purpose, (2) confer upon such persons the legal status of an invitee or licensee to whom a duty of care is owed, or (3) assume responsibility for or incur liability for any injury to person or property caused by an act or omission of such persons.

**§ 37-733. Land leased to state; duty of landowner.**

Unless otherwise agreed in writing, an owner of land leased to the state for recreational purposes owes no duty of care to keep that land safe for entry or use by others or to give warning to persons entering or going upon such land of any hazardous conditions, uses, structures, or activities thereon. An owner who leases land to the state for recreational purposes shall not by giving such lease (1) extend any assurance to any person using the land that the premises are safe for any purpose, (2) confer upon such persons the legal status of an invitee or licensee to whom a duty of care is owed, or (3) assume responsibility for or incur liability for any injury to person or property caused by an act or omission of a person who enters upon the leased land. The provisions of this section shall apply whether the person entering upon the leased land is an invitee, licensee, trespasser, or otherwise.

**§ 37-734. Landowner; liability.**

Nothing in sections 37-729 to 37-736 limits in any way any liability which otherwise exists (1) for willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity or (2) for injury suffered in any case where the owner of land charges the person or persons who enter or go on the land.

**§ 37-735. Sections, how construed.**

Nothing in sections 37-729 to 37-736 creates a duty of care or ground of liability for injury to person or property.

**§ 37-736. Obligation of person entering upon and using land.**

Nothing in sections 37-729 to 37-736 limits in any way the obligation of a person entering upon or using the land of another for recreational purposes to exercise due care in his or her use of such land in his or her activities thereon.