

## NYS STATUTE FOR NEGLIGENCE

### S 25.23 Liability for Negligence.

Negligence in the use or operation of a snowmobile shall be attributable to the owner. Every owner of a snowmobile used or operated in this state shall be liable and responsible for death or injury to person or damage to property resulting from negligence in the use or operation of such snowmobile by any person using or operating the same with the permission, express or implied, of such owner, provided, however, that such operator's negligence shall not be attributed to the owner as to any claim or cause of action accruing to the operator or his legal representative for such injuries or death.

**This brochure and the information contained herein is presented for information purposes only, and does not replace professional legal counsel.**



## HIGHLIGHTS FROM THE GENERAL OBLIGATIONS LAW

### 9-103. No duty to keep premises safe for certain uses; responsibility for acts of such users.

- a. an owner, lessee or occupant of premises, whether or not posted as provided in section 11-1211 of the environmental conservation law, owes no duty to keep the premises safe for entry ... or to give warning of any hazardous condition or use of or structure or activity on such premises to persons entering for such purposes;
- b. an owner, lessee or occupant of premises who gives permission to another to pursue any such activities upon such premises does not thereby

(1) extend any assurance that the premises are safe for such purpose, or (2) constitute the person to whom permission is granted an invitee 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 any act of persons to whom the permission is granted.

2. This section does not limit the liability which would otherwise exist

- a. for willful or malicious failure to guard, or to warn against, a dangerous condition, use, structure or activity; or
- b. for injury suffered in any case where permission to pursue any of the activities was granted for a consideration ...

To review the full text of the "Recreational Use Statute", go to Section 9-103 of the New York General Obligations Law at <http://public.leginfo.state.ny.us>



[www.nysnowmobiler.com](http://www.nysnowmobiler.com)

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Landowner information

Nearly 80% of all snowmobile trails in New York State are located on private lands. Without the generous support of thousands of private landowners across the state and hundreds across the county, there would be no snowmobile trail system for wintertime enjoyment.

Snowmobiling is a family activity which provides a measurable boost to the local economy during the winter months.

The landowner, when giving permission to a snowmobile club, continues all rights of ownership of the land the trail is on. The landowner is simply allowing the local club seasonal use of a specific portion of the landowner's property for a snowmobile trail.

Clubs seeking landowner permission for a trail are requesting permission for seasonal snowmobile use... NOT for other trail uses.

All pictures courtesy Dan Coffman and ISMA

## private landowners are the foundation of the **SNOWMOBILE TRAIL SYSTEM**



By giving permission for seasonal access to the club, the landowner is protected by the provisions of the General Obligations law. The incorporated snowmobile club assumes the responsibility for the condition of the snowmobile trail. Its liability insurance policy, as part of the New York State Snowmobile Association (NYSSA), protects the club for its trail maintenance actions and protects the landowner that gives permission for the trail.

After consultation/approval from the landowner, the club may install bridges and culverts, open and close gates, remove brush, install signs, and groom the trail according to his or her wishes. The club will work with the landowner to provide the safest trail location possible for use on the landowner's property.

The club should provide their landowner with the name of the club, a contact person, and that person's telephone number so that the landowner can get immediate response if a problem arises with the snowmobile trail. The club can also provide contact information and an email address for NYSSA, if the landowner wishes that information.

Landowners giving permission for a snowmobile trail do not jeopardize their right of continued ownership of the property. All the landowner is doing is allowing the seasonal use of a specific portion of the landowner's property for a snowmobile trail.

Landowner generosity is the foundation of the statewide system that provides over \$850 million annually to the state and local economy.



*NYSSA thanks the thousands of landowners who allow use of their property.*