

## CHAPTER 604A CIVIL LIABILITY LIMITATIONS

### Sections 604A.21-26

Pertaining to cave exploring and rock climbing as amended by HF0221 in the 2005 legislative session and in effect on August 1, 2005. [Bill Status](#)  
Amended text to 604A.21 is highlighted in **bold**.

Statute text:

### 604A.21 Recreational land use; definitions.

Subdivision 1. General. For the purposes of sections [604A.20](#) to [604A.27](#), the terms defined in this section have the meanings given them, except where the context clearly indicates otherwise.

Subd. 2. Charge. "Charge" means any admission price asked or charged for services, entertainment, recreational use, or other activity or the offering of products for sale to the recreational user by a commercial for profit enterprise directly related to the use of the land.

Subd. 2a. Dedicated. "Dedicated" means made available by easement, license, permit, or other authorization.

Subd. 3. Land. "Land" means any of the following which is privately owned or leased or in which a municipal power agency has rights: land, easements, rights-of-way, roads, water, watercourses, private ways and buildings, structures, and other improvements to land, and machinery or equipment when attached to land.

Subd. 4. Owner. "Owner" means the possessor of a fee interest or a life estate, tenant, lessee, occupant, holder of a utility easement, or person in control of the land.

Subd. 5. Recreational purpose. "Recreational purpose" includes, but is not limited to, hunting; trapping; fishing; swimming; boating; camping; picnicking; hiking; **rock climbing; cave exploring**; bicycling; horseback riding; firewood gathering; pleasure driving, including snowmobiling and the operation of any motorized vehicle or conveyance upon a road or upon or across land in any manner, including recreational trail use; nature study; water skiing; winter sports; and viewing or enjoying historical, archaeological, scenic, or scientific sites. "Rock climbing" means the climbing of a naturally exposed rock face. **"Cave exploring" means the planned exploration of naturally occurring cavities in rock, including passage through any structures placed for the purpose of safe access, access control, or conservation, but does not include the exploration of other manmade cavities such as tunnels, mines, and sewers.**

Subd. 6. Recreational trail use. "Recreational trail use" means use on or about a trail, including but not limited to, hunting, trapping, fishing, hiking, bicycling, skiing, horseback riding, snowmobile riding, and motorized trail riding.

#### 604A.22 Owner's duty of care or duty to give warnings.

Except as provided in section [604A.25](#), an owner who gives written or oral permission for the use of the land for recreational purposes without charge:

(1) owes no duty of care to render or maintain the land safe for entry or use by other persons for recreational purpose;

(2) owes no duty to warn those persons of any dangerous condition on the land, whether patent or latent;

(3) owes no duty of care toward those persons except to refrain from willfully taking action to cause injury; and

(4) owes no duty to curtail use of the land during its use for recreational purpose.

#### 604A.23 Owner's liability.

An owner who gives written or oral permission for the use of the land for recreational purposes without charge does not by that action:

(1) extend any assurance that the land is 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 for any injury to the person or property caused by an act or omission of the person.

#### 604A.24 Liability; leased land, water-filled mine pits; municipal power agency land.

Unless otherwise agreed in writing, sections [604A.22](#) and [604A.23](#) also apply to the duties and liability of an owner of the following land:

(1) land leased to the state or any political subdivision for recreational purpose; or

(2) idled or abandoned, water-filled mine pits whose pit walls may slump or cave, and to which water the public has access from a water access site operated by a public entity; or

(3) land of which a municipal power agency is an owner and that is used for recreational trail purposes, and other land of a municipal power agency which is within 300 feet of such land if the entry onto such land was from land that is dedicated for recreational purposes or recreational trail use.

#### 604A.25 Owner's liability; not limited.

Except as set forth in this section, nothing in sections [604A.20](#) to [604A.27](#) limits liability that otherwise exists:

(1) for conduct which, at law, entitles a trespasser to maintain an action and obtain relief for the conduct complained of; or

(2) for injury suffered in any case where the owner charges the persons who enter or go on the land for the recreational purpose, except that in the case of land leased or dedicated to the state or a political subdivision, any consideration received from the state or political subdivision by the owner for the lease or dedication is not considered a charge within the meaning of this section.

Except for conduct set forth in section [604A.22](#), clause (3), a person may not maintain an action and obtain relief at law for conduct referred to by clause (1) in this section if the entry upon the land is incidental to or arises from access granted for the recreational trail use of land dedicated, leased, or permitted by the owners for recreational trail use.

#### 604A.26 Land user's liability.

Nothing in sections [604A.20](#) to [604A.27](#) relieves any person using the land of another for recreational purpose from any obligation that the person may have in the absence of sections [604A.20](#) to [604A.27](#) to exercise care in use of the land and in the person's activities on the land, or from the legal consequences of failure to employ that care.