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West's General Laws of Rhode Island Annotated [Currentness](#)
Title 32. Parks and Recreational Areas
 [Chapter 6](#). Public Use of Private Lands--Liability Limitations
→→ § 32-6-3. **Liability of landowner**

Except as specifically recognized by or provided in [§ 32-6-5](#), an owner of land who either directly or indirectly invites or permits without charge any person to use that property for recreational purposes does not thereby:

- (1) Extend any assurance that the premises are safe for any purpose;
- (2) Confer upon that person the legal status of an invitee or licensee to whom a duty of care is owed; nor
- (3) Assume responsibility for or incur liability for any injury to any person or property caused by an act of omission of that person.

CREDIT(S)

P.L. 1978, ch. 375, § 1.

LAW REVIEW AND JOURNAL COMMENTARIES

Justice for all (the wrong reasons): The flaws and fallout of [Berman v. Sitrin](#). [Joshua Dunn](#), 16 *Roger Williams U.L. Rev.* 305 (Spring 2011).

LIBRARY REFERENCES

[Negligence](#)  1191.
Westlaw Key Number Search: 272k1191.
[C.J.S. Negligence §§ 399, 538](#).

NOTES OF DECISIONS

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[1](#). Trespasser

Pedestrian who was walking in city park at 2:00 a.m. in violation of city ordinance, stating that park is closed for

public use between 9:00 p.m. and 6:00 a.m., was a “trespasser,” even though park was not so intensively posted as to notify all possible visitors of the hours of operation, for purposes of wrongful death action brought by parents of pedestrian, who fell from cliff to his death after ground beneath his feet gave way. [Cain v. Johnson, 755 A.2d 156 \(2000\)](#). [Municipal Corporations](#) 🔑851

Landowner owes trespasser no duty except to refrain from willful or wanton conduct, and such duty arises only after trespasser is discovered in a position of danger. [Cain v. Johnson, 755 A.2d 156 \(2000\)](#). [Negligence](#) 🔑1045(3); [Negligence](#) 🔑1045(4)

Landowner does not owe trespasser any duty until after trespasser is discovered in a position of peril, and once trespasser is discovered, landowner owes trespasser a duty to refrain from willfully or wantonly injuring trespasser. [Cain v. Johnson, 755 A.2d 156 \(2000\)](#). [Negligence](#) 🔑1045(3); [Negligence](#) 🔑1045(4)

Neither city, state, nor university owed duty to pedestrian, who was a trespasser, for purposes of wrongful death action brought by parents of pedestrian, who was walking along area of city park that wound through university's campus and fell from cliff to his death after ground beneath his feet gave way; city, state, and university did not owe pedestrian/trespasser any duty until after he was discovered in a position of peril, and pedestrian/trespasser was never discovered in a position of peril. [Cain v. Johnson, 755 A.2d 156 \(2000\)](#). [Colleges And Universities](#) 🔑5; [Municipal Corporations](#) 🔑851; [States](#) 🔑112.2(2)

2. State and municipalities

State and municipalities are among owners of land entitled to immunity under recreational use statute. [Gen.Laws 1956, § 32-6-2\(3\)](#). [Hanley v. State, 837 A.2d 707 \(2003\)](#). [Municipal Corporations](#) 🔑851; [States](#) 🔑112(2)

State was immune under recreational use statute from liability for injuries suffered by camper in fall that occurred while she was walking on roadway in a State park that was open for public use; camper did not allege willful or malicious conduct by the state. [Gen.Laws 1956, § 32-6-1 et seq.](#) [Hanley v. State, 837 A.2d 707 \(2003\)](#). [States](#) 🔑112.2(6)

3. Nature and scope of activities

City was entitled to immunity under Recreational Use Statute from liability for injuries sustained by bicyclist and passenger when bike ran into chain blocking path in public park located in and owned by city. [Cruz v. City of Providence, 908 A.2d 405 \(2006\)](#). [Automobiles](#) 🔑264

Recreational use statute requires an examination of the nature and scope of the activities occurring on the land and thus mandates that the premises be available to the public for recreational purposes. [Morales v. Town of Johnston, 895 A.2d 721 \(2006\)](#), on remand [2006 WL 5130364](#). [Negligence](#) 🔑1194

A student athlete participating in an organized sport on a designated athletic field does not fall within provisions of the recreational use statute. [Morales v. Town of Johnston, 895 A.2d 721 \(2006\)](#), on remand [2006 WL 5130364](#). [Municipal Corporations](#) 🔑851; [Negligence](#) 🔑1194; [Schools](#) 🔑89.4

Recreational use statute did not shield town from liability for injury student-athlete suffered when she stumbled into water drain while playing in a high school soccer game on a designated athletic field owned by town; student-athlete was not a member of the “public” as contemplated by the statute, and soccer field was not open to the public for recreational activities when student-athlete was injured. [Morales v. Town of Johnston, 895 A.2d 721 \(2006\)](#), on remand [2006 WL 5130364](#). [Towns](#) 🔑45

List of activities to which immunity extends under recreational use statute should be interpreted liberally. [Gen.Laws 1956, § 32-6-2\(4\)](#). [Hanley v. State, 837 A.2d 707 \(2003\)](#). [Negligence](#)  1194

Existence of statutory immunity under recreational use statute does not depend upon the specific activity pursued by the plaintiff at the time of the plaintiff's injury, but rather, the inquiry should focus on the nature and scope of activity for which the premises are held open to the public; the goal is to determine the character of the premises, and if the premises qualify as being open to the public for recreational activity, the statute does not require a distinction to be made between plaintiffs depending upon the activity in which each was engaged at the time of the injury.

[Gen.Laws 1956, § 32-6-1 et seq.](#) [Hanley v. State, 837 A.2d 707 \(2003\)](#). [Negligence](#)  1194

Walking is a recreational purpose for purposes of land owner's immunity under recreational use statute. [Gen.Laws 1956, § 32-6-2\(4\)](#). [Hanley v. State, 837 A.2d 707 \(2003\)](#). [Negligence](#)  1194

Recreational use statute afforded immunity to state-owned public park, regardless of when the property was made available to the public for recreational use. [Gen.Laws 1956, § 32-6-1 et seq.](#) [Hanley v. State, 837 A.2d 707 \(2003\)](#). [States](#)  112.2(6)

4. Condition of land

Edge of cliff where pedestrian fell to his death was a natural condition of the land, and as such, liability could not be imposed upon either state, city, or university for purposes of wrongful death action brought by parents of pedestrian, who was walking along area of city park that wound through university's campus and fell from cliff to his death after ground beneath his feet gave way. [Cain v. Johnson, 755 A.2d 156 \(2000\)](#). [Colleges And Universities](#)  5; [Municipal Corporations](#)  851; [States](#)  112.2(2)

Even if cliff was considered artificial condition, liability could not be imposed upon either city, state, or university for purposes of wrongful death action brought by parents of pedestrian, who was walking along area of city park that wound through university's campus and fell from cliff after ground beneath his feet gave way; Restatement section providing that possessor of land who maintains artificial condition is subject to liability for harm caused to trespassers was not applicable because pedestrian should have been aware of and appreciated the risks. [Restatement \(Second\) of Torts § 337](#). [Cain v. Johnson, 755 A.2d 156 \(2000\)](#). [Colleges And Universities](#)  5; [Municipal Corporations](#)  851; [States](#)  112.2(2)

5. Invitees

Property owners' "invitation" for tourist guests to experience public walkway abutting owners' property did not place owners outside protections afforded by Recreational Use Statute (RUS) for purposes of suit by tourist severely injured in fall from public walkway along oceanside cliff; public easement over private land was open to all for recreational purposes, such that an invitation was not necessary. [Berman v. Sitrin, 991 A.2d 1038 \(2010\)](#). [Negligence](#)  1194

6. Joint enterprise

City and preservation association owning land abutting public walkway were not engaged in a joint enterprise concerning walkway, sufficient to satisfy limiting language in the Recreational Use Statute (RUS) with respect to liability for the willful or malicious failure to guard or warn against a dangerous condition, use, structure, or activity after discovering the user's peril; city resolution provided that city would maintain the walkway, and there was no indication that association, an abutting property owner, agreed or contemplated acting in a close relationship with the city

concerning the walkway. [Berman v. Sitrin, 991 A.2d 1038 \(2010\)](#). [Associations !\[\]\(2bdfe261b986065ee0ac76460d6528c9_img.jpg\)19](#); [Joint Adventures !\[\]\(eebbd3dc1abeccf4c1e5751ec03fc559_img.jpg\)1.12](#); [Municipal Corporations !\[\]\(269a46bd9f0c528dd4b0b2018aec306d_img.jpg\)851](#)

Gen. Laws, 1956, § 32-6-3, RI ST § 32-6-3

Current with amendments through chapter 409 of the 2011 Regular Session. For research tips related to newly added material, see Scope.

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