

NH State Laws of interest to users of recreational lands.

CHAPTER 508 - LIMITATION OF ACTIONS

Section 508:14

New Hampshire State Laws Governing the recreational use of open lands

- These laws pertain to the use of unposted, open land.
- Common courtesy dictates that if an organized event is being run that uses private or public property, that the landowner be notified and permission be secured.
- In all cases, respect the rights and privileges of the landowner.

508:14 Landowner Liability Limited. –

I. An owner, occupant, or lessee of land, including the state or any political subdivision, who without charge permits any person to use land for recreational purposes or as a spectator of recreational activity, shall not be liable for personal injury or property damage in the absence of intentionally caused injury or damage.

II. Any individual, corporation, or other nonprofit legal entity, or any individual who performs services for a nonprofit entity, that constructs, maintains, or improves trails for public recreational use shall not be liable for personal injury or property damage in the absence of gross negligence or willful or wanton misconduct.

III. An owner of land who permits another person to gather the produce of the land under pick-your-own or cut-your-own arrangements, provided said person is not an employee of the landowner and notwithstanding that the person picking or cutting the produce may make remuneration for the produce to the landowner, shall not be liable for personal injury or property damage to any person in the absence of willful, wanton, or reckless conduct by such owner.

Source. 1975, 231:1. 1979, 439:1. 1981, 293:2. 1985, 193:2, eff. July 30, 1985. 2006, 5:1, eff. Feb. 3, 2006.

TITLE XVIII FISH AND GAME

CHAPTER 212 PROPAGATION OF FISH AND GAME

Liability of Landowners

Section 212:34

212:34 Duty of Care. –

I. An owner, lessee or occupant of premises owes no duty of care to keep such premises safe for entry or use by others for hunting, fishing, trapping, camping, horseback riding, water sports, winter sports, snowmobiling, or OHRVs as defined in RSA 215-A, hiking, sightseeing, or removal of fuel wood, or to give any warning of hazardous conditions, uses of, structures, or activities on such premises to persons entering for such purposes, except as provided in paragraph III hereof.

II. An owner, lessee or occupant of premises who gives permission to another to hunt, fish, trap, camp, ride horseback, hike, use snowmobiles as defined in RSA 215-C, use OHRVs as defined in RSA 215-A, sightsee upon, or remove fuel wood from, such premises, or use said premises for water sports, or winter sports does not thereby:

- (a) Extend any assurance that the premises are safe for such purpose, or
- (b) Constitute the person to whom permission has been granted the legal status of an invitee to whom a duty of care is owed, or
- (c) Assume responsibility for or incur liability for an injury to person or property caused by any act of such person to whom permission has been granted except as provided in paragraph III hereof.

III. This section does not limit the liability which otherwise exists:

- (a) For willful or malicious failure to guard or warn against a dangerous condition, use, structure or activity; or
- (b) For injury suffered in any case where permission to hunt, fish, trap, camp, ride horseback, hike, use for water sports, winter sports, use of snowmobiles as defined in RSA 215-C, or use of OHRVs as defined in RSA 215-A, sightsee, or remove fuel wood was granted for a consideration other than the consideration, if any, paid to said landowner by the state; or
- (c) The injury caused by acts of persons to whom permission to hunt, fish, trap, camp, ride horseback, hike, use for water sports, winter sports, use of snowmobiles as defined in RSA 215-C, or use of OHRVs as defined in RSA 215-A, sightsee, or remove fuel wood was granted, to third persons as to whom the person granting permission, or the owner, lessee or occupant of the premises, owed a duty to keep the premises safe or to warn of danger.

IV. Except as provided in paragraph III, a person using the premises as provided in paragraph I or given permission as provided in paragraph II, shall not maintain an action against the owner, occupant, or lessee of the premises for any injury which resulted while on the premises.

Source. 1961, 201:1. 1969, 77:1-3. 1973, 560:4. 1977, 208:1. 1981, 146:5, VI, eff. Jan. 1, 1982; 538:7, 13, eff. June 30, 1981. 2003, 29:1, eff. May 2, 2003. 2005, 172:2, eff. Jan. 1, 2006; 210:11, eff. July 1, 2006.



NH Law provides specific protections for horse owners using the public roadways, but there are also provisions that horses, whether ridden or driven, must obey the rules of the road

TITLE XXI
MOTOR VEHICLES
CHAPTER 265
RULES OF THE ROAD
Obedience to and Effect of Traffic Laws
Section 265:5

265:5 Persons Riding Animals; Driving Animal-Drawn Vehicles. – Every person riding an animal or driving any animal-drawn vehicle upon a roadway shall be granted all the rights and shall be subject to all of the duties applicable to the driver of a vehicle by this chapter, except those provisions of this chapter which by their very nature can have no application.

Source. RSA 262-A:4. 1963, 330:1. 1981, 146:1, eff. Jan. 1, 1982.

TITLE XXI
MOTOR VEHICLES
CHAPTER 265
RULES OF THE ROAD
Special Rules
Section 265:104

265:104 Approaching Horses. – Every person having control or charge of a vehicle shall, whenever upon any way and approaching any horse, drive, manage, and control such vehicle in such a manner as to exercise every reasonable precaution to prevent the frightening of such horse, and to insure the safety and protection of any person riding or driving the same.

Source. 1981, 146:1, eff. Jan. 1, 1982.

TITLE V - TAXATION
CHAPTER 79-A
CURRENT USE TAXATION
Section 79-A:4

79-A:4 Powers and Duties of Board; Rulemaking. – The board shall have the following powers and duties:

I. It shall meet at least annually, after July 1, to establish a schedule of criteria and current use values to be used for the succeeding year. It shall have the power to establish minimum acreage requirements of 10 acres or less. It shall also review all past current use values and criteria for open space land established by past boards. The board shall make such changes and improvements in the administration of this chapter as experience and public reaction may recommend.

II. The board shall reduce by 20 percent the current use value of land which is open 12 months a year to public recreational use, without entrance fee, and which also qualifies for current use assessment under an open space category. There shall be no prohibition of skiing, snowshoeing, fishing, hunting, hiking or nature observation on such open space land, unless these activities would be detrimental to a specific agricultural or forest crop or activity. The owner of land who opens his land to public recreational use as provided in this paragraph shall not be liable for personal injury or property damage to any person, and shall be subject to the same duty of care as provided in RSA 212:34.

III. The board shall annually determine, vote upon and recommend to the chairman of the board the schedule of criteria and current use values for use in the forthcoming tax year. The board shall hold a series of at least 3 public forums throughout the state to receive general comment through verbal and written testimony on the current use law. After the public forums are concluded and the board has made its recommended changes, the chairman shall proceed to adopt any proposed rules, in accordance with paragraph IV.

IV. The chairman of the board shall adopt rules, pursuant to RSA 541-A, for the schedule of criteria and current use values as recommended by the board, and for other forms and procedures as are needed to implement this chapter consistent with board recommendations and to assure a fair opportunity for owners to qualify under this chapter and to assure compliance of land uses on classified lands.

Source. 1973, 372:1. 1974, 7:4. 1977, 326:3. 1982, 33:2. 1986, 62:1. 1988, 5:3. 1991, 281:7. 1993, 205:1. 1995, 137:3, eff. May 24, 1995.