

Low-Cost Hunter and Woodland Liability Insurance: How Much Can You Afford to Lose?



A locked gate and "No Trespassing" sign may not be enough to protect woodland owners from liability claims if someone is injured while on their property regardless if the injured party was invited or not.

by Keith A. Argow

Many woodland owners believe that any liabilities arising from a lawsuit by someone injured while on their property are covered by their homeowners insurance policy. A comforting thought, but not a reason for comfort. It is possible that your homeowners insurance does not cover your woodlands at all.

Landowners have long recognized the need for insurance to protect their home and property. In generations past, farm insurance generally covered more common risks to woodlands and fields. But as people have moved off farms and the farms themselves have reverted to woodlands, both the insurance coverage and risks have gradually changed.

A recent survey of members of the National Woodland Owners Association revealed most were unsure of the extent of their insurance and whether their woodlands were fully covered or not. To find out if your woodland

is covered, ask your agent. You may discover that instead of a "yes" or "no," the answer is "it depends." That should be a red flag to any family. It amounts to an unknown and uncovered risk. Some families are purchasing additional hunter and woodland liability insurance for security and peace of mind.

Landowner Liability Laws Exclude "Willful Neglect"

All states have insurance laws, but they vary by state.

Moreover, details of insurance policies vary by company. About 25 years ago, at the urging of state fish and wildlife agencies, legislatures enacted laws intended to limit the liability of landowners who allow free public hunting, fishing, and recreation on their private land. Kentucky has such a law (see www.lrc.state.ky.us/KRS/411-00/190.PDF). Like most states, that protection does not apply if you charge a fee for hunting, even if it is

Common Misconceptions about Landowner Liability

- My homeowners policy covers my woodlands. *Maybe, maybe not.*
- A personal catastrophe policy will cover my woodlands. *Verify that.*
- I have my woodland in a limited liability corporation (LLC). *An LLC is still liable for any award up to the value of the land, timber, and assets involved.*
- Liability lawsuits are rare in my experience. *Don't be the first to get one.*
- If I own land in others states, I am still covered. *Probably not.*

just enough to cover property taxes.

The enactment of landowner liability limitation laws persuaded many landowners to open their lands, some with the belief that they are “exempt” from liability. The truth is, their liability may be limited, but landowners are never exempt.

The landowner liability laws in every state do not apply if a case for “willful neglect” can be made. Experienced

How Do I Protect My Woodlands from “Known Hazards”?

- Cover cable or chain gates with white PVC pipe. Flag tape may not be enough. ATV riders using your land with or without your permission are a real liability.
- Post warnings above steep walls or cliffs.
- Remove hazard, leaning, or large trees with dead limbs.
- Cover old wells.
- Warn of deep water in ponds, especially if man-made.
- Level unstable log piles.
- Post or drain streamside areas. Be careful not to violate wetland protection laws in the process.
- Cut and remove exposed roots. Roots have been alleged to have been hazards known to the landowner.

liability attorneys allege “willful neglect” on the part of the landowner to successfully skirt the liability limitation laws. If they are successful in persuading the jury, or a judge, that you knew in advance of a danger on your land and did nothing, you can be held accountable for the injuries, lost work, human stress, or even death of the plaintiff.

Since vacant land and hunter liability insurance came on the market 20 years ago, many people have purchased it. The policies generally do not cover buildings. Should you be served with a summons to court, your first call is to your insurance carrier. You do not have to find an attorney on your own and worry if he or she is experienced in liability litigation. Remember, the plaintiff’s attorney is likely very experienced and may be taking the case without charge in return for a share of the award. Do you really want to roll the dice?

About the Author:

Keith Argow, Ph.D., is the president of the National Woodland Owners Association. He was a forestry professor at N.C. State and Virginia Tech. He is the author of numerous publications in forestry and public policy and has served on many national boards and commissions and has held the position of President of American Resources, Inc, a nationwide conservation service organization since 1981.

National Woodland Owners Association; 374 Maple Ave. Suite 310 Vienna, VA 22180; Phone: 703.255.2700; Fax: 703.281.9200; E-mail: argow@nwoa.net