

# HOUSE RESEARCH

## Bill Summary

**FILE NUMBER:** H. F. 177

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**Version:** First engrossment

**Authors:** Molnau and Others

**Subject:** Local Government Liability for Use of Recreational Vehicles on Highway Right-of-Way

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### Overview

Adds to the list of claims from which local governments are immune from tort liability claims arising from the use of recreational motor vehicles (snowmobiles, ATVs, other off-road vehicles) on the right-of-way of any highway. Denies the exemption where the local government engages in conduct that would entitle a trespasser to damages against a private person. This bill would apply to county state-aid highways, other county highways, municipal state-aid streets, and town roads (including cartways).

The Minnesota case law standard of care to a trespasser follows:

A land owner is liable for harm caused to a trespasser by an artificial condition on the land, (a) if the condition is:

(1)

one which the owner has created or maintains;

(2)

to the owner's knowledge, likely to cause death or serious bodily harm to trespassers; and

(3)

is of such a nature that the owner has reason to believe trespassers will not discover it; and

(b)

the land owner has failed to exercise reasonable care to warn trespassers of the condition and the risk involved.

*Steinke v. City of Andover*, 525 N.W.2d 173, 176-77 (Minn. 1994).