

Airport Owner's Liability and Recreational Land Use: Statutes 604A.20-604A.27

In 2012 the Recreational Land Use definitions in the statutes were changed to include noncommercial aviation activities. The intent of this change was to lessen the liability of the property owner who gives permission for an aircraft to land on their property. Pilots should be aware that unless the owner is charging for the use of the land the owner owes no duty to maintain the land safe for entry or use and owes no duty to warn pilots of any dangerous condition on the land. An owner who gives oral or written permission for the use of the land without charge is not liable for the outcome of the use of the land. A wise pilot will visit the site and walk the runway before attempting to land there.

While these statutes relieve the property owner from liability, property owners should recognize that there are other consequences of an aircraft accident on their property. An accident will most likely result in a response by emergency service vehicles. The FAA or NTSB will want to secure the site until they can conduct an investigation to determine the cause of the accident. Following that the damaged aircraft will need to be removed and the aircraft may need to be disassembled and removed via the ground. These actions may cause damage to the owner's property. Finally, there is the emotional toll of an accident on your property especially if someone is injured or dies as a result of the accident. Property owners still have the right to refuse entry without giving a reason and they should definitely refuse entry if they feel the pilot or the aircraft are not a good match for their runway.

While this statute addresses liability it does not relieve the airport owner from the requirement to have an airport license appropriate to the uses allowed at the airport. The landing area may be an unlicensed landing area in which case the use must cease within 30 days. If the airport is a personal-use airport it is only intended for the personal use of the property owner. If the owner gives permission for others to utilize the airport then the airport must be licensed for private or public use and meet the stricter safety requirements associated with those licenses.

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