



in cooperation with...

**A letter to a potential landowner from
David Downing regarding landowner liability...**

When a landowner agrees to allow a designated snowmobile trail to cross their property, a number of liability protections are provided. Liability protection is offered by snowmobile trail insurance which the local club is required to obtain, naming the land owner as an additional insured. This insurance is paid by the Department and is in the amount of one million dollars coverage. In the event that you would be named in a law suit, the coverage provides for the costs associated with your defense and any judgment that might result, up to the policy limit.

In Iowa, landowners are also covered by several statutes that provide liability protection when offering the use of their land for recreational purposes. Iowa Code Chapter 461C and 321G provide for exemptions to liability when a landowner allows snowmobiles to be operated on their land. These liability sections have been tested over the years, with courts holding to the original legislative intent of the statute.

Landowners are often under the impression that by posting their land as private property or no trespassing, that they avoid liability from the public entering on their property. This is often not the case. Most certainly, you would need your own liability coverage to cover any nuisance law suits.

I have enclosed a copy of the aforementioned liability statutes for your reference. If you have any questions, please feel free to contact my office. I can be reached at 515-238-3564, or by e-mail at david.downing@dnr.iowa.gov.

Your consideration of the trail lease for the local snowmobile club is greatly appreciated.

Sincerely,

David Downing
Snowmobile and ATV Program Manager
IDNR Law Enforcement Bureau