

WISCONSIN STATUTES 895.52
Wisconsin's Recreational Use Statute
Summary of Key Highlights of the "Berry Picker Law"

895.52 (1) DEFINITIONS.

- (d) "Owner" means either of the following:
1. person, including a governmental body or non-profit organization that owns, leases or occupies property.
 2. A governmental body or non-profit organization that has a recreational agreement with another owner.
- (f) "Property" means real property and buildings, structures and improvements thereon, and the waters of the state as defined under s. 281.01 (18).
- (g) "Recreational activity" means any outdoor activity undertaken for the purpose of exercise, relaxation or pleasure...
"Recreational activity" includes but is not limited to...bicycling..., but does not include any organized team sport activity sponsored by the owner of the property on which the activity takes place.

895.52 (2) NO DUTY; IMMUNITY FROM LIABILITY

- (a) Except as provided in subs. (3) to (6), no owner and no officer, employee or agent of an owner owes to any person who enters the owner's property to engage in a recreational activity:
1. A duty to keep the property safe for recreational activities.
 2. A duty to inspect the property, except as provided under s. 23.115 (2).
 3. A duty to give warning of an unsafe condition, use or activity on the property.
- (b.) Except as provided in subs. (3) to (6), no owner and no officer, employee or agent of an owner is liable for any injury to, or caused by, a person engaging in a recreational activity on the owner's property or for any injury resulting from an attack by a wild animal.

895.52 (4) LIABILITY; PROPERTY OF GOVERNMENTAL BODIES OTHER THAN THIS STATE.

Subsection (2) does not limit the liability of a governmental body other than this state or any of its agencies or of an officer, employee, or agent of such a governmental body for either of the following:

- (a) An injury that occurs on property of which a governmental body is the owner at any event for which the owner charges an admission fee for spectators.
- (b) An injury caused by a malicious act or by a malicious failure to warn against an unsafe condition of which an officer, employee or agent of a governmental body knew, which occurs on property designated by the governmental body for recreational activities.

For a complete copy of 895.52, go to www.wisconsin.gov

From North Central Wisconsin Regional Planning Commission