

13-1305. Duty to trespasser; artificial condition on premises.

If the [owner] [occupant] creates or maintains an artificial condition on the land, then [he] [she] has a duty to a trespasser to use ordinary care to warn of the condition and of the risk involved if:

(1) The condition involves an unreasonable risk of death or bodily harm to persons coming onto the land;

(2) [He] [She] knows or reasonably should know [that there are constant intrusions by persons in the dangerous area] [that there are persons on the land in dangerous proximity to the condition]; and

(3) [He] [She] has reason to believe that the trespasser will not discover the condition or realize the risk involved.

The [owner] [occupant] owes no duty to make [his] [her] land safe for a trespasser, unless and until [he] [she] knows or reasonably should know that the trespasser is on [his] [her] land.

USE NOTES

The bracketed language should be used as appropriate.
[As amended, effective January 1, 1987; November 1, 1991.]