



# Helping to make great memories for over fifty years.

- VAST was founded in 1967 and is responsible for organized snowmobiling in Vermont.
- VAST is one of the oldest snowmobiling organizations in the U.S.
- VAST is a non-profit, private association that includes over 100 clubs statewide, with over 23,000 members.
- Clubs and their steadfast volunteers are the backbone of the organization.
- VAST is run by 14 Directors, who are elected by the clubs in each of Vermont's 14 counties and by four officers also elected by the members.
- The VAST office is overseen by six full-time employees and is centrally located in Berlin, Vermont.



Vermont Association of Snow Travelers, Inc.  
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### VAST trails are for winter use only!

- VAST trails only exist in the wintertime between December 16 and April 15



# Snowmobiling in Vermont

## LANDOWNER LIABILITY

*We've Got You Covered*

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Club

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Contact

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Phone Number

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802.229.0005  
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## Recreation is important to all Vermont residents, as well as the visitors to our beautiful state, and it provides a significant economic impact to Vermont.

The Vermont Association of Snow Travelers, Inc. (VAST) is responsible for the development and maintenance of the Statewide Snowmobile Trail System for the State of Vermont through a cooperative agreement with the Vermont Agency of Natural Resources, Department of Forests, Parks, and Recreation. VAST was founded more than 50-years ago.

### Landowner Liability

**Vermont law protects landowners giving permission for the use of their land for snowmobiling,** and no public or private landowner, or their agent, shall be liable for property damage or personal injury sustained by any snowmobiler...

*(Title 23, Chapter 29, § 3206 (d)).*

### Who is VAST?

- VAST is a 501 (c) 3 not-for profit association.
- VAST represents over 100-local snowmobile clubs, with more than 23,000 members.
- Local snowmobile clubs maintain more than 5,000 miles of snowmobile trails.
- More than 80% of snowmobile trails are on private property.
- Local snowmobile clubs are required to obtain permission for the use of land for snowmobiling.
- More than 8,000 private property owners grant permission for the use of their land for snowmobiling.

### VAST Liability Insurance

- VAST is required to provide liability insurance that covers all snowmobile clubs, and their activities; **this policy also names all landowners as additional insureds.** The master policy is valued at \$1,000,000, with an aggregate of \$2,000,000. as is required by the State of Vermont





# Vermont Recreation and Your Protection under Vermont Law

## Snowmobile Use

Title 23 V.S.A., Chapter 29 § 3206 (d) provides all landowners allowing snowmobile use of their land the following protection:

***“No public or private landowner or their agents shall be liable for any property damage or personal injury sustained by any person operating or riding as a passenger on a snowmobile, or upon a vehicle or other device drawn by a snowmobile upon the public or private landowner’s property, whether or not the public or private landowner has given permission to use the land, unless the public or private landowner charges a cash fee for the use of the property, or unless said damage or injury is intentionally inflicted by the landowner.”***



**For more than 50 years Vermont landowners have graciously shared their land with Vermont snowmobilers. Without your generous support, the Statewide Snowmobile Trail System would not exist!**

Your permission for snowmobile use is for winter only and does not include any other recreational use.

**Thank You Landowners!**

## Vermont Trail System

Title 10 V.S.A., Chapter 20 created the **“Vermont Trail System.”** Many Statewide and local trails systems have been accepted to be a part of the Vermont Trail System, and they are covered by the § 448 of Chapter 20, Title 10:

***“No public or private owner of land which is a part of the Vermont Trail System shall be liable for any property damage or personal injury sustained by any person using these trails unless the public or private owner intentionally inflicts the damage or injury.”***

## General Access – Inherent Risk

Title 12, Chapter 27, § 1037 provides the landowner with liability protection for all users of their land not covered by those protections above:

***“A person who takes part in any sport accepts as a matter of law the dangers that inhere therein insofar as they are obvious and necessary.”***

This means that no one can sue a landowner for injuries sustained as a result of the risk that is inherent to the activity they are pursuing: cross country skiing; mountain biking; equestrian use; walking; hunting; etc.

## Effect of Posting on Liability

**Posting does not affect Liability.** The landowner is protected whether or not the land is posted; Title 12 V.S.A., Chapter 203 § 5794 (c).

## Effects of Easements on Liability

**Easements do not affect liability.** Both the landowner and the holder of the easement are similarly protected, as if there were no easement.

## Limitations On Landowner Liability

**Vermont Statutes Annotated; Title 12: Court Procedure Chapter 203: Limitations on Landowner Liability**

### § 5791. Purpose

The purpose of this chapter is to encourage owners to make their land and water available to the public for no consideration for recreational uses by clearly establishing a rule that an owner shall have no greater duty of care to a person who, without consideration, enters or goes upon the owner’s land for a recreational use than the owner would have to a trespasser.

### § 5792. Definitions

*(As used in this chapter)*

- 1) “Consideration” means a price, fee or other charge paid to or received by the owner in return for the permission to enter upon or to travel across the owner’s land for recreational use. Consideration shall not include:
  - a) compensation paid to or a tax benefit received by the owner for granting a permanent recreational use easement;
  - b) payment or provision for compensation to be paid to the owner for damage caused by recreational use; or
  - c) contributions in services or other consideration paid to the owner to offset or insure against damages sustained by an owner from the recreational use or to compensate the owner for damages from recreational use.
- 2) (A) “Land” means:
  - i) open and undeveloped land, including paths and trails;
  - ii) water, including springs, streams, rivers, ponds, lakes and other water courses;
  - iii) fences; or
  - iv) structures and fixtures used to enter or go upon land, includ-

- ing bridges and walkways.
- (B) “Land” does not include:
  - v) areas developed for commercial recreational uses,
  - vi) equipment, machinery or personal property, and
  - vii) structures and fixtures not described in subdivision (2) (A) (iii) or (iv) of this section.

3) “Owner” means a person who owns, leases, licenses or otherwise controls ownership or use of land, and any employee or agent of that person.

4) “Recreational use” means an activity undertaken for recreational, educational or conservation purposes, and includes hunting, fishing, trapping, guiding, camping, biking, in-line skating, jogging, skiing, swimming, diving, water sports, rock climbing, hang gliding, caving, boating, hiking, riding an animal or a vehicle, picking wild or cultivated plants, picnicking, gleaning, rock collecting, nature study, outdoor sports, visiting or enjoying archeological, scenic, natural, or scientific sites, or other similar activities. “Recreational use” also means any non-commercial activity undertaken without consideration to create, protect, preserve, rehabilitate or maintain the land for recreational uses.

### § 5793. Liability Limited

- (a) Land. An owner shall not be liable for property damage or personal injury sustained by a person who, without consideration, enters or goes upon the owner’s land for a recreational use unless the damage or injury is the result of the willful or wanton misconduct of the owner.
- (b) Equipment, fixtures, machinery or

- personal property.
- (1) Unless the damage or injury is the result of the willful or wanton misconduct of the owner, an owner shall not be liable for property damage or personal injury sustained by a person who, without consideration and without actual permission of the owner, enters or goes upon the owner’s land for a recreational use and proceeds to enter upon or use:
  - a) equipment, machinery or personal property; or
  - b) structures or fixtures not described in subdivision 5792 (2)(A)(iii) or (iv) of this title.

(1) Permission to enter or go upon an owner’s land shall not, by itself, include permission to enter or go upon structures or to go upon or use equipment, fixtures, machinery or personal property.

### § 5794. Landowner Protection

- a) The fact that an owner has made land available without consideration for recreational uses shall not be construed to:
  - (1) limit the property rights of owners;
  - (2) limit the ability of an owner and a recreational user of the land to enter into agreements for the recreational use of the land to vary or supplement the duties and limitation created in this chapter;
  - (3) support or create any claim or right of eminent domain, adverse possession or other prescriptive right or easement or any other land restriction;
  - (4) alter, modify or supersede the rights and responsibilities under chapters 191, animal control, and 193 domestic pet of wolf-hybrid control, of Title 20; under

- chapters 29, snowmobiles and 31, all-terrain vehicles, of Title 23; under chapter 23, bicycle routes, of Title 19; and under chapter 20, Vermont trail system, of Title 10;
- (5) extend any assurance that the land is safe for recreational uses or create any duty on an owner to inspect the land to discover dangerous conditions;
- (6) relieve a person making recreational use of land from the obligation the person may have in the absence of this chapter to exercise due care for the person’s own safety in the recreational use of the land.

b) Nothing in this chapter shall create any presumption or inference of permission or consent to enter upon an owner’s land for any purpose.

c) For the purpose of protecting landowners who make land available for recreational use to members of the public for no consideration pursuant to this chapter, the presence of one or more of the following on land does not by itself preclude the land from being “open and undeveloped”; posting of the land, fences, or agricultural or forestry related structures.

### § 5795. Exceptions

This chapter shall not apply to lands owned by municipality or the state.

**The Vermont Statutes Annotated (V.S.A.) is available online at:**  
<http://www.leg.state.vt.us/statutes/statutes2.htm>