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Examining The Waiver Of Recreational Immunity By Express Invitation After The California Supreme Court's Decision In Hoffmann V. Young

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In 1963, the California legislature became concerned that private landowners were "bar[ring] public access to their land for recreational uses out of fear of incurring tort liability." Thus, it enacted Civ. Code, § 846 to encourage private property owners to allow the general public to engage in recreational activities free of charge on their property, with certain specified exceptions. There was very little case law involving § 846 until the early 1990s, and then it usually focused on whether an activity was "recreational" so as to allow a landowner to invoke immunity. In its recent decision in Hoffmann v. Young, however, the California Supreme Court has now begun the process of drilling down into how one of the exceptions to immunity operates. (See summary of the case at page 108, below.) This article reviews that case and explores its potential application in other contexts.

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