Dealing with hunters as a farmer

Individuals often ask farmers for permission to hunt on their land. In response to these requests, farmers may have questions about hunting and trespassing laws and landowner’s liability. Below, Peggy Hall, the Ohio State University Extension Ag Law Field Specialist, answers frequently asked questions on these topics.

1. I gave them permission to hunt on my land, but do I have to sign something? Yes. Permission to hunt should be in writing. Ohio law requires a person to obtain written permission from a landowner or the landowner’s agent before hunting on private lands or waters and to carry the written permission while hunting.

2. Do family members need a license to hunt on my land? Some of them will, depending on their relationship to the farmer. Resident landowners, their children of any age and their grandchildren under the age of 18 are exempt from the hunting license requirement when hunting on the landowner’s private lands and waters.

When the landowner is not a resident, only the landowner, spouse and children of any age may hunt without a license, and only if the landowner’s state of residency grants the same rights to Ohioans who own land in that state.

3. Does a hunter need my permission to retrieve an animal injured on another property? Yes. The written permission requirement applies to all these activities: shooting, shooting at, catching, killing, injuring, or pursuing a wild bird, wild waterfowl or wild animal.

4. Will I be liable if a hunter is injured on my land? Probably not. Two laws apply to this situation, depending upon whether you gave the hunter permission. A landowner is not liable for injuries to or harm caused by a hunter who does not have written permission to be on the land.

The second law, Ohio’s Recreational User Statute, applies when a hunter does have permission to be on the land. It states that a landowner has no legal duty to keep the premises safe for a hunter and assumes no responsibility for or incurs liability for any injury to person or property caused by any act of a hunter.

Note that this immunity doesn’t apply if the landowner charges a fee for hunting, unless the fee is a payment made under a hunting lease with a hunter or hunting group. These laws provide significant protection from liability for hunter injuries but won’t protect a landowner who willfully or recklessly causes harm to hunters.

5. What if several people want to hunt on my land—how many should I allow? Ohio law does state how many hunters can have permission to hunt on a parcel but be careful about setting up a dangerous situation by allowing multiple hunters on the land at once.

If you give permission to several hunters, let them know that others could also be hunting on the land and designate a parking area so that they know when other hunters are present. You could even consider scheduling hunters on certain days.

6. Should I allow a hunter to bring along someone who’s not hunting? Regarding liability for that person, the Recreational User Statute applies to any person engaging in any kind of recreational activity, in addition to hunting.

Hiking or walking on the land is a recreational activity covered under the Recreational User Statute. If the farmer gave permission and doesn’t charge the recreational user a fee, the law provides immunity from liability for their injuries.

7. What if a hunter leaves a tree stand or a blind on my land—can I get rid of it? It depends. It’s okay to carefully remove a stand or blind from the area but be careful about damaging or getting rid of it too soon if it’s the property of a hunter who had permission to be on the land.

According to Ohio common law, you might be liable for the property under a claim of “conversion” if the property is not “abandoned” or “lost.” Abandoned property is that to which the owner has relinquished all rights with the intention of not reclaiming it, while lost property is that which the owner has involuntarily parted with through neglect, carelessness, or inadvertence. A finder who possesses abandoned property takes absolute title to the property, while a finder of lost property takes title against everyone except the owner. In either case, destroying or disposing of property that is not abandoned or lost could lead to a claim of conversion, and you could be liable for the damages.

8. What can I do to a trespasser who’s hunting on my land? Dealing with trespassers is tricky. First, don’t willfully harm the trespasser, as you could be liable for causing intentional harm. Second, call your local Ohio Department of Natural Resources wildlife officer or the Turn in a Poacher program to report the incident.

More detailed information may be found at https://farmoffice.osu.edu/blog/non-202020-1222pm-hunting-we-will-go-laws-landowners-need-know and in the OSU law bulletin, Do’s and Don’ts of Dealing with Trespassers on the Farm at https://farmoffice.osu.edu/sites/aglawfiles/site-library/Trespassing%20law%20bulletin_0.pdf

Lentz is extension educator for agriculture and natural resources for the Ohio State University Extension Service in Hancock County. He can be reached at 419-422-3851 or via email at lentz.38@osu.edu