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The Law of Errant Golf Balls

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Who is responsible when a golfer in Colorado hits a golf ball into an adjoining street and hits a car? Is the golfer negligent, and liable, for injuries and damage caused by errant golf balls?

The law in Colorado is similar to the law in other states with respect to liability to one struck by golf balls. The general rule is that the mere fact that a person is struck by a golf ball driven by one playing a game of golf does NOT constitute proof of negligence on the part of the golfer who hit the ball. The golfer is only required to exercise what is called "ordinary care" for the safety of persons and property reasonably within the range of danger of being struck by the ball.

Although a golfer about to hit a ball must, in the exercise of ordinary care, give an adequate and timely warning to those who are unaware of the golfer's intention to play, and who may be endangered by the play, this duty does not extend to those persons who are not in the "line of play." Cars driving alongside a golf course are typically not within the line of play. Houses alongside a course are usually not within the line of play.

The real issue is whether danger to other golfers, cars, or property would reasonably be anticipated. Where a person is in a location where that person should be reasonably safe from the danger of being struck by a golfer's shot, there is usually no duty on the part of the golfer to warn, since an audible warning would be superfluous. The question, of course, is whether a street adjacent to a golf course, or a house built on a golf course, should be considered a location reasonably safe from the danger of being struck by an errant golf shot.

Although most golf courses disclaim liability for errant golf shots from their courses, the golf course owner may be held liable for injuries to a person struck by a golf ball if there was a failure to exercise ordinary care to see that the course was maintained in a reasonably safe condition.

This may involve how the course is laid out, the condition of the grounds, the manner in which the course is being operated, and the number of incidents involving golf balls that hit cars, houses, or other people.

Colorado law is limited here, but it generally is that a golfer has a duty to warn only those persons within the "foreseeable ambit of danger of his intention to strike the ball." The factual question is: where is the foreseeable ambit of danger? Is an adjoining street within the ambit of danger?

Colorado law also provides that "to hold a golfer negligent merely because his golf ball did not travel in the direction he intended, would be imposing a greater duty of care on the golfer than is realistic." Many golfers would agree with this statement.

REFERENCES

Knittle v. Miller, 709 P.2d 32 (Colo. App. 1985)
Page v. Unterreiner, 106 S.W.2d 528 (Mo. App. 1937)
Allen v. Pinewood Country Club, 292 So. 2d 786 (La. App. 1974)

HRMD Policy regarding errant golf ball matters

This policy has been adapted by the Heather Ridge Metro District No. 1 (the District) regarding errant golf ball issue(s). All of our directors are residents here at Heather Ridge. Living here, we are all empathetic and understanding of errant golf ball matters. Any property damage/personal injury is covered through your personal property insurance carrier or by your Homeowner's Association.

The errant golf ball policy of this golf course, as with other public golf courses, is that the risk of golf ball damage/injury is inherent to living on or near a golf course, especially when the course existed before homes were built or owners purchased. Buyers and owners assume certain risks associated with the property such as the possibility of damages and injury resulting from golf balls.

Generally, for a golfer to be found liable for damage/injury from his or her golf ball, a property owner/injured person has the burden to show that the golfer did something not ordinarily expected from a reasonable golfer. From time to time, an errant golf ball is normal, expected and is an inherent risk associated with golfing. If property damage or injury occurs as a result of a golfer's actions, the golfer is generally not liable to the extent the golfer acted within normal expectations by exercising ordinary care. The Heather Ridge Golf Course is owned by the Heather Ridge Metro District No. 1, a governmental entity with immunity against most claims of negligence, including golf ball damage/injury caused by a golfer. Furthermore, as is the case with most golf course owners, with an exercise of ordinary care the District disclaims liability for errant golf balls.

Due to the various reasons noted above, the burden is on the property owner/injured person to seek relief from the individual golfer, absent a golfer voluntarily offering to pay for damages he/she may have caused. If requested by property owners, the golf course will share information it has on record about who rented specific carts provided enough information is provided to be able to accurately identify the alleged golfer. Such a request will need a cart number(s) if applicable, a location and time of day when damage occurred, and a description of the golfer. Other than providing identification information, the District and the golf course are not involved, and any claims or actions are between the injured party and individual golfers. The following notice is posted at the golf course:

By purchasing a green fee and playing golf on the Heather Ridge Golf Course, ALL golfers assume the risks of the sport and bear full responsibility and liability for his/her actions, including but not limited to damage/injury from errant golf balls. Therefore, reasonable care and responsibility is expected by golfers should their actions cause property damage or injury to others, on or outside of golf course boundaries.

Finally, we encourage property owners to work with their HOAs to formulate plans for golf ball damage mitigation. The District has a policy in place to consider written requests by HOAs only, to share costs for reasonable golf ball protection plans. Also, your HOA may permit "personalized" protection plans on its property or your unit; so again, please consult with your HOA.

HRMD Mission: Preserve the Heather Ridge open space, best maintained as a golf course, protect our property values & sustain our way of life.