

By: Senators Scott, Benham, Gibson, Yates,  
Cassady, and Hardin

"AN ACT TO PRESCRIBE THE RIGHTS OF OWNERS AND LESSEES OF REAL PROPERTY TO POST THE SAME; TO PRESCRIBE METHODS OF POSTING SUCH PROPERTY; TO MAKE IT UNLAWFUL FOR PERSONS TO ENTER UPON POSTED REAL PROPERTY FOR RECREATIONAL PURPOSES WITHOUT WRITTEN PERMISSION OF THE OWNER OR LESSEE; TO MAKE IT UNLAWFUL FOR ANY PERSON TO POST ANY LANDS WHICH SUCH PERSON DOES NOT OWN OR LEASE, EXCEPT WITH THE WRITTEN PERMISSION OF THE OWNER OR LESSEE; TO PRESCRIBE PENALTIES FOR VIOLATIONS OF THIS ACT; AND FOR OTHER PURPOSES."

BE IT ENACTED BY THE GENERAL ASSEMBLY OF THE STATE OF ARKANSAS:

SECTION 1. For the purposes of this act the term "recreational purposes" includes, but is not limited to, any of the following, or any combination thereof: hunting, fishing, trapping, swimming, boating, camping, picnicking, hiking, pleasure driving, nature study, water skiing, winter sports, and viewing or enjoying historical, archaeological, scenic, or scientific sites.

SECTION 2. No person shall enter for recreational purposes upon real property posted pursuant to this act without written permission of the owner or lessee of the real property.

SECTION 3. (a) The owner or lessee of any forest land, may post the same by either of the following methods:

(1) by placing signs around the boundaries of the property at points no more than one hundred (100) feet apart and at each point of entry. The signs shall bear the words "Posted" and/or "No Trespassing" in letters at least four (4) inches high and shall be so placed as to be readily visible to any person approaching the property; or

(2) by placing identifying paint marks on trees or posts around the area to be posted. Each paint mark shall be a vertical line of at least eight (8) inches in length and the bottom of the mark shall be no less than three (3) feet nor more than five (5) feet high. Such paint marks shall be placed no more than one hundred (100) feet apart and shall be readily visible to any person approaching the property. The type and color of the paint to be used for posting shall be prescribed by regulation by the State Forestry Commission. The Commission shall not select a color that is presently being used by the timber industry in Arkansas to mark land lines or property lines.

(b) The owner or lessee of any real property other than forest land, including (a) cultivated land, (b) orchards, (c) pasture land, (d) impoundments, or (e) other real property, may post such real property by either of the following methods:

(1) by placing signs around the boundaries of the property at points no more than one thousand (1,000) feet apart and at each point of entry. The signs shall bear the words "Posted" and/or "No Trespassing" in letters at least four (4) inches high and shall be so placed as to be readily visible to any person approaching the property; or

(2) by placing identifying paint marks on posts around the area to

be posted. Each paint mark shall be a vertical line of at least eight (8) inches in length and the bottom of the mark shall be no less than three (3) feet nor more than five (5) feet high. Such paint marks shall be placed no more than one thousand (1,000) feet apart and at each point of entry and shall be readily visible to any person approaching the property. The type and color of the paint to be used for posting shall be prescribed by regulation by the State Forestry Commission. The Commission shall not select a color that is presently being used by the timber industry in Arkansas to mark land lines or property lines.

SECTION 4. The color of paint prescribed by the State Forestry Commission for posting purposes shall not be used on trees or posts for any other purpose. Any person who knowingly paints such color on any tree or post for any purpose other than posting real property pursuant to this act shall be guilty of a class B misdemeanor.

SECTION 5. It shall be unlawful for any person to post any lands which the person does not own or lease, except with the written permission of the owner or lessee. Any person violating this section shall be guilty of a Class B misdemeanor.

SECTION 6. It shall be unlawful for any person to enter upon any real property posted under the provisions of this act without the written consent of the owner or lessee of the real property. Any person who knowingly enters such real property without written consent shall be guilty of a class B misdemeanor. Provided, however, it shall be an affirmative defense to prosecution under this Act that consent was given by a person holding himself out to be the owner, lessee, or agent of the owner or lessee of the property.

SECTION 7. It is the intent and purpose of this act to clarify the posting law of this state. However, this act does not set forth the exclusive method by which a property owner or lessee may notify persons to not enter or remain upon their property, nor does this act repeal or modify Arkansas Code 18-11-301 et seq. which limits the liability of landowners to persons gratuitously utilizing their property for recreational purposes nor does this act repeal or modify Arkansas Code 5-39-203 which is the provision of the Criminal Code relating to trespass.

SECTION 8. All provisions of this Act of a general and permanent nature are amendatory to the Arkansas Code of 1987 Annotated and the Arkansas Code Revision Commission shall incorporate the same in the Code.

SECTION 9. Arkansas Code Sections 18-11-401 through 18-11-405 are hereby repealed.

APPROVED: February 10, 1989

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