Looking a the recreational use statute (A.C.A. 18-11-301, et. seq.) I see that "aviation" was added in 2013 as a qualifying recreational use of land (taking off, landing, flying). Based upon the cases I see I find that recreational use immunity can only be defeated two ways:

1. If the landowner "maliciously fails to warn of an ultra-hazardous condition". Here the landowner would have to be shown have known or reasonably be expected to know that his negligence was going to cause an injury *and* that the condition on the land that caused the injury was ultra-hazardous. No clear line what "ultra-hazardous" means but the cases set a pretty high bar for an injured party to have to cross.

2. If the landowner charges a fee or admission charge to the injured party to be on the property.

The courts have been very clear in honoring the intent of the statute: **to encourage landowners to make their lands available at no charge for recreational use and to make them immune from liability so long as they act without malice or conscious indifference to the safety of others** [emphasis added]. That is a very low standard for the landowners to have to meet and a high hurdle for an injured party to try to cross.