

Duck, balls!

By Gordy Van

Spring has arrived and folks are heading outdoors to enjoy the end of winter and engage in increased recreation. With this time of year comes an increase in claims for damage resulting from ball strikes from golf courses and ball fields.

When property is damaged by a ball strike, the owner is understandably seeking to have someone pay for damage that is not the fault of the owner. So, who is responsible for the damage?

We take the position that our membership, in providing recreational opportunities for the citizenry, is not responsible for the skill or lack thereof of the parties who are making use of their facilities. A golfer may hit a ball that goes nowhere near where intended, a ball player may hit a foul ball, and occasionally, a home run may be hit that defies belief.

When possible, the party who hit the ball should be identified and their information provided to the damaged party. When WCIA receives a claim for damage from an errant ball, we will generally deny the claim and direct the claimant to their own insurance company. Certain situations can result in the decision to honor the claim, such as when golf balls are hit through netting in obvious disrepair. We also had a claim where a City volunteer coach was doing a soft toss drill, directing players to hit balls toward the fence and use it as a backstop. Unsurprisingly, a ball was subsequently hit over the fence and caused damage that we resolved.

The member can help reduce the risk of balls causing damage by maintaining the integrity of netting and fencing, checking for tears and holes and patching as necessary. Posting foul ball and golf ball warning signs can help parties making use of facilities aware of the danger of parking in certain locations and that there is an assumption of the risk in doing so. Users of facilities should also be informed that they are responsible for any damage caused by balls they hit.

If the member is renting out a ball field for league play, a certificate of insurance and rental agreement containing indemnification language in favor of the member should be obtained. We have successfully tendered claims to the renter in this scenario. Please contact your risk management representative if you would like them to review indemnification agreements with you.

The provision of recreational facilities for the public's use is a great service. We appreciate the actions taken by our membership to reduce the risk posed to the remainder of the public by those partaking in recreational opportunities. Now, prepare for the coming warmer weather and get out there and Play Ball!