

Par for the course

By Kelli du Pont

It is that time of year again! Spring is upon us, and with that comes a whole host of new types of claims. I guess you could say that golf ball claims are par for the course in the insurance world. Golf ball strikes are a common occurrence and lead to a plethora of claims throughout the spring and summer seasons.

Often a golf ball will strike a home, car, or person causing damage or injury. Golfers are rarely intending to hit anything but the course, and the injury caused is a mere accident. However, the question of liability is key to figuring out how best to resolve these claims. WCIA members have provided a place for citizens to entertain themselves while golfing and are not responsible for their inability to make a hole in one nor their ability to strike everything but the green.

Members are responsible for maintaining the netting or mesh that blocks houses and other protected areas. Keeping up the maintenance of this mesh is extremely important when trying to mitigate errant golf ball claims. Going out and checking this mesh and other barriers is ideally done before and throughout the golfing season. Often winter can cause meshing to become brittle and the structural integrity to dissipate giving way to potential issues and subsequent claims. Members who proactively maintain the netting, post warning signs of foul balls, and keep documentation of each, are assisting in keeping the claims volume down and protecting themselves from further liability.

Please remember to secure a certificate of liability insurance when renting any venue for golf use or other recreational events. This will help prevent any liability that may come back to the member. Your assigned Risk Management Representative is available to assist you with preventing future claims and can review any contracts you may have questions on.

When members proactively maintain their infrastructure, and warn others of possible risks, they are assisting in reducing future claim liability. There is often an assumption of risk defense available to our members in these claims where they have been appropriately maintaining infrastructure. Generally, a golfer has a duty to timely and adequately warn others they intend to hit a ball when:

1. Others are in the zone of danger,
2. The golfer knew or should have known of the unawareness of those around them.

In *Wood v. Postelthwaite*, 6 Wn. App. 885, 496 P.2d 988 (1972) the court found that while golfers have a duty to warn before striking a golf ball, that others around them also assumed some risk that they would not receive adequate warning by being on a golf course. Golfers and the adjacent homeowners assume the risks of the game for which they have knowledge, but not the negligence for which they have not been forewarned.

With an estimated 40,000 golfers seeking emergency treatment due to injuries caused by errant golf balls and flying clubheads in 2019, per golfsupport.com, we have our work cut out for us this summer.