**06.01 LANDOWNER LIABILITY - IMPROVED PROPERTY**

[A landowner] [A property owner] is negligent if the owner fails to exercise reasonable care to guard against unreasonable risks created by a dangerous condition on the property. A person can be negligent by acting or failing to act. A person is negligent if he or she does something that a reasonably careful person would not do in the same situation, or fails to do something that a reasonably careful person would do in the same situation. The law does not require exceptional caution or skill, only reasonable care.

**Use Note**

Instruction 6.01 should be given when the limitations on landowner liability for injuries on unimproved property, as stated in AS 09.65.200, do not apply.

In addition to Instruction 6.01, Instructions 3.01 (elements of a negligence claim) and 3.07 (substantial factor) must be given.

If the limitations on liability for injuries that occur on unimproved property are at issue, see instructions 6.02 and 6.03.

**Comment**

A landowner has a duty to use due care to guard against unreasonable risks created by dangerous conditions existing on its property. *Estate of Mickelsen v. North-Wend Foods*, 274 P.3d 1193, 1199 (Alaska 2012); *Burnett v. Covell*, 191 P.3d 985, 989 (Alaska 2008).

A landowner must act as a reasonable person in maintaining its property in a reasonably safe condition in view of all the circumstances, including the likelihood of injury to others, the seriousness of the injury, and the burden on the respective parties of avoiding the risk. *Webb v. City & Borough of Sitka*, 561 P.2d 731, 733 (Alaska 1977).

The common law duty has been limited to some extent for injuries occurring on unimproved property. *See* AS 09.65.200 (formerly AS 09.45.795). Liability for injuries on unimproved property is addressed in Instructions 6.02 and 6.03.