Who is responsible when a golfer in Colorado hits a golf ball into an adjoining street and hits a car? Is the golfer negligent, and liable, for injuries and damage caused by errant golf balls?

The law in Colorado is similar to the law in other states with respect to liability to one struck by golf balls. The general rule is that the mere fact that a person is struck by a golf ball driven by one playing a game of golf does NOT constitute proof of negligence on the part of the golfer who hit the ball. The golfer is only required to exercise what is called "ordinary care" for the safety of persons and property reasonably within the range of danger of being struck by the ball.

Although a golfer about to hit a ball must, in the exercise of ordinary care, give an adequate and timely warning to those who are unaware of the golfer's intention to play, and who may be endangered by the play, this duty does not extend to those persons who are not in the "line of play." Cars driving alongside a golf course are typically not within the line of play. Houses alongside a course are usually not within the line of play.

The real issue is whether danger to other golfers, cars, or property would reasonably be anticipated. Where a person is in a location where that person should be reasonably safe from the danger of being struck by a golfer's shot, there is usually no duty on the part of the golfer to warn, since an audible warning would be superfluous. The question, of course, is whether a street adjacent to a golf course, or a house built on a golf course, should be considered a location reasonably safe from the danger of being struck by an errant golf shot.

Although most golf courses disclaim liability for errant golf shots from their courses, the golf course owner may be held liable for injuries to a person struck by a golf ball if there was a failure to exercise ordinary care to see that the course was maintained in a reasonably safe condition.

This may involve how the course is laid out, the condition of the grounds, the manner in which the course is being operated, and the number of incidents involving golf balls that hit cars, houses, or other people.

Colorado law is limited here, but it generally is that a golfer has a duty to warn only those persons within the "foreseeable ambit of danger of his intention to strike the ball." The factual question is: where is the foreseeable ambit of danger? Is an adjoining street within the ambit of danger?

Colorado law also provides that "to hold a golfer negligent merely because his golf ball did not travel in the direction he intended, would be imposing a greater duty of care on the golfer than is realistic." Many golfers would agree with this statement.

REFERENCES

Knittle v. Miller, 709 P.2d 32 (Colo. App. 1985)
Page v. Unterreiner, 106 S.W.2d 528 (Mo. App. 1937)